

"THE DEVELOPMENT OF THE MELVILLIAN MOVEMENT
IN LATE SIXTEENTH CENTURY SCOTLAND"

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PREFACE

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ABBREVIATIONS

<u>A.H.R.</u>	- <u>American Historical Review</u>
<u>A.P.S.</u>	- <u>Acts of the Parliaments of Scotland</u>
<u>A.U.L.</u>	- <u>Aberdeen University Library</u>
<u>B.M.</u>	- <u>British Museum</u>
<u>B.U.K.</u>	- <u>The Booke of the Universall Kirk: Acts and Proceedings of the General Assemblies of the Kirk of Scotland</u>
Calderwood	- <u>David Calderwood, History of the Kirk of Scotland</u>
<u>C.S.P. For. Eliz.</u>	- <u>Calendar of State Papers, Foreign, Elizabeth</u>
<u>C.S.P. Scot.</u>	- <u>Calendar of State Papers relating to Scotland and Mary, Queen of Scots</u>
<u>D.N.B.</u>	- <u>Dictionary of National Biography</u>
<u>E.H.R.</u>	- <u>English Historical Review</u>
<u>E.U.L.</u>	- <u>Edinburgh University Library</u>
<u>Fasti</u>	- <u>Fasti Ecclesiae Scoticanae</u>
<u>G.C.A.</u>	- <u>Glasgow City Archives</u>
<u>G.U.L.</u>	- <u>Glasgow University Library</u>
<u>H.M.C.</u>	- <u>Historical Manuscripts Commission</u>
<u>N.L.S.</u>	- <u>National Library of Scotland</u>
New Reg. Ho.	- <u>New Register House</u>
<u>O.L.</u>	- <u>Original Letters relating to the ecclesiastical affairs of Scotland</u>
<u>O.L. rel. Engl. Ref.</u>	- <u>Original Letters relative to the English Reformation</u>
<u>P.R.O.</u>	- <u>Public Record Office</u>
<u>R.M.S.</u>	- <u>Registrum Magni Sigilli Regum Scotorum: Register of the Great Seal of Scotland</u>
<u>R.P.C.</u>	- <u>Register of the Privy Council of Scotland</u>

<u>R.St.A.K.S.</u>	- <u>Records of St. Andrews Kirk Session: Register of the Minister, Elders and Deacons of the Christian Congregation of St. Andrews</u>
<u>R.St.A.U.</u>	- <u>Early Records of the University of St. Andrews</u>
<u>R.S.C.H.S.</u>	- <u>Records of the Scottish Church History Society</u>
<u>R.S.S.</u>	- <u>Registrum Secreti Sigilli Regum Scotorum: Register of the Privy Seal of Scotland</u>
<u>Retours of Services of Heirs</u>	- <u>Inquisitionum ad capellam domini regis retornatarum quae in publicis archivis Scotiae adhuc servantur abbrevatio</u>
<u>S.H.R.</u>	- <u>Scottish Historical Review</u>
<u>S.H.S.</u>	- <u>Scottish History Society</u>
Spottiswoode	- <u>John Spottiswoode, History of the Church of Scotland</u>
<u>S.R.O.</u>	- <u>Scottish Record Office</u>
<u>S.R.S.</u>	- <u>Scottish Record Society</u>
<u>S.T.C.</u>	- <u>Short-Title Catalogue</u>
<u>S.T.S.</u>	- <u>Scottish Text Society</u>

Note: Other works whose titles have been slightly contracted in footnotes are cited in full in the bibliography.

ABSTRACT

In 1617 archbishop Gladstones "allegit the first reformers of religion had, in effect, embraced Episcopall government manie yeeres, and had continued therin if the death of the Regent, the Erle of Marre, had not interveened, and a seditious fyrie man, Mr Andro Melvin, come home to disturb all good order". The presbyterian Alexander Hume, writing in 1609, interpreted events rather differently: "since the Reformation of religioun within Scotland that ordour of imperious byschopes hath had no place in the kirk of God". These are possibly the earliest expositions, in a somewhat unsophisticated form, of two recognisable strands of thought in the historiography of the Scottish reformed church.

It is clear, therefore, that no study of the Melvillian movement can afford to ignore the earlier polity which preceded the rise of a classical presbyterian constitution. Only through an interpretation of the earlier Knoxian polity can the Melvillian movement be placed in its true perspective. The thesis begins, therefore, with an examination of the origins and evolution of the Scottish reformed polity. The significance of the various features of the Knoxian constitution - the appointment of elders, the creation of the general assembly and the institution of the offices of superintendent and commissioner - are evaluated, and the continental precedents which may have contributed towards their establishment are also indicated. The continuity and the points of divergence between the aims of the first reformers and those of their presbyterian successors are fully discussed, and an attempt has been made to illustrate how certain aspects of the programme associated with Melville's name came to be

advocated prior to Melville's return from abroad. The theory of the two kingdoms, the rejection of royal supremacy in matters ecclesiastical, the insistence on the general assembly's continued existence irrespective of the sovereign's religion, the subtle changes in its composition, the acceptance of parity at national level implicit in the institution of the moderator's office together with Adamson's vindication and identification of the minister alone as the truly godly bishop - all this, and more, had been reaffirmed and restated by leaders of the Knoxian church. None of these concepts, therefore, can be said to have been introduced by Andrew Melville. Consequently, presbyterianism can be seen as a logical development of earlier reformation thought, and one remains unconvinced that any radical difference existed between Melville's programme and the original reformation polity.

Melville's role seems to have been less that of the instigator or ringleader, into which he has sometimes been cast, less that of the revolutionary intent on initiating a controversy in matters of church order and episcopacy. Instead, the picture which emerges portrays Melville as a leader whose contribution lay rather in confirming the church in its opposition to Morton's innovating ecclesiastical policies. Melville's main strength basically lay in his ability to draw together and unite those various strands of thought, already manifest before his arrival, which would soon have been rendered meaningless had royal policy prevailed.

The second Book of Discipline, which is examined at length in the light of existing theory and practice, is interpreted as representing little other than a succinct summary of various well

established strands of thought, and the alterations which Melville's programme entailed are seen to have been much less drastic than might be supposed. Melvillianism, it would seem, can fairly claim to lie within the main stream of Scottish reformation thought. Two further chapters are devoted to tracing the Melvillian campaign for the abolition of episcopacy from the movement's inception in 1575 to parliament's ratification of the church's presbyterian constitution in 1592. An analysis is also made of the social and academic background of Melvillian ministers, and a census compiled from diverse sources provides biographical information on some 155 Melvillian ministers who have been traced.

Chapter 1

A NEW STRUCTURE EMERGES

"And first, it was concluded, 'That the Brethren in everie toun at certane tymes should assemble togidder, to Commoun Prayeris, to Exercise and Reading of the Scripturis, till it should please God to give the sermone of Exhortatioun to some, for conforte and instructioun of the rest.'

And this our weak begynnynge God did so bless, that within few monethis the hartes of many war so strenthned, that we sought to have the face of a Church amanges us, and open crymes to be punished without respect of persone."

(Knox, Works, i. 299-300; History, i. 147-8.)

Church government, as an apparently indispensable attribute of the visible church, is a subject which throughout the ages has absorbed the minds and energies of many men. That the church should be governed and possess a polity was certainly an axiomatic proposition to which most sixteenth century reformers and theologians subscribed. Luther, alone among the great reformers, paid but scant attention to the subject.¹ A systematic and organised polity was, for Calvin, an absolute necessity as the framework whereby the word could be preached, the sacraments administered and church order preserved.² Hooker, in England, likewise affirmed that of "the notes of external profession" by which the visible church is recognised "one of the very chiefest is Ecclesiastical Polity".³ Equally concerned with the "regiment of the Kirk"⁴ were Knox and his colleagues in Scotland, who, in their Book of Discipline, declared that without

1. John O. Evjen, "Luther's Ideas Concerning Church Polity", The Lutheran Church Review, no. 3, 207-237, 339-373.

2. Opera, X. i. 15ff. (Heyer, 260ff.); Institutes, IV. iii.

3. Laws of Ecclesiastical Polity, III. i. 14.

4. Knox, Works, ii. 191; History, ii. 285.

church government "no face of ane visible Kirk" could be said to exist.¹

If there existed a general consensus of opinion on the necessity of church government, there was by no means unanimity on the form that polity should assume. In Scotland, the envisaged polity of the reformed church was, from many points of view, a realistic and practicable attempt to construct a serviceable, if not necessarily enduring, framework in which a reformed ministry could operate. The comparatively late arrival of the reformation in Scotland had given Scots ample opportunity to assimilate the theological standpoints of most influential continental reformers. Through first hand experience and personal contact, through correspondence and the printed word, Scottish reformers kept abreast of the latest developments in Europe. In church government, as in doctrine, there could be little which escaped their attention. Indeed, if Scotland needed any example other than scripture, she had only to look to Germany, England, and Scandinavia, and to Switzerland, France and the Netherlands.

In its final form, however, the Scottish reformation was characterised by a general Calvinism in its solution to the challenges of theology and ecclesiastical polity.² The Confession of Faith, as the doctrinal statement of the reformation, and the Book of Discipline, outlining the envisaged structure of the church, forcefully and sometimes eloquently display a general attachment to Calvinist principles. In these documents, little or nothing distinctive of the old Lutheranism, which had marked the initial stages of the reformation,

1. Knox, Works, ii. 238; History, ii. 312.

2. See Appendix I.

can be detected. The span of three decades and more of reformed teaching and example stood between the first infiltration of Lutheran thought into Scotland and the compilation of the Scots Confession in 1560.

In their determination for a thorough reformation, the Scottish reformers emphatically rejected those accretions of medieval thought and practice manifestly unscriptural. In church government, too, they cast aside with equal resolution any suggestion that the polity of the old church should be incorporated in the new. "Except it be the word of God, I dar affirme nothing" was Wishart's steadfast tenet of 1546;¹ and it was no less the judgment of Knox, who counselled "that we should rashelie affirme any thing, without the warrand of God's worde".² Such an approach, implicit in the Confession of Faith³ and Book of Discipline⁴ might justifiably be taken as a guiding principle of the Scottish reformation. Having won a revolution in defiance of the crown, it was hardly surprising that, free from royal control, the Scottish reformers should pursue a radical programme of reform quite distinct from all the pervading conservatism which had characterised the English and Scandinavian reformations. With good reason could Parkhurst tell Bullinger that "the Scots have made greater progress in true religion in a few months, than we have done in many years".⁵

1. Knox, Works, i. 156; History, ii. 237.

2. Knox, Works, vi. 205.

3. Knox, Works, ii. 96, 111, 112; History, ii. 258, 266-267; A.P.S. ii. 526-527, 531.

4. Knox, Works, ii. 184, 185-186, 188-189; History, ii. 280-281, 283.

5. Zurich Letters, i. 91.

The situation in Scotland contrasted sharply with that in England. "God keep us", wrote archbishop Parker in November 1559, "from such visitation as Knox have attempted in Scotland; the people to be orderers of things".¹ So long as Elizabeth reigned, there was but little danger of such a prospect occurring, for the authoritarianism of the English reformation served as a sufficient safeguard. In matters of polity, the queen as governor of the church maintained a firm control, allowing little scope for private initiative. Even her bishops, on occasion, found themselves with all too little room to manoeuvre. "It would be very dangerous to drag her on, against her will, to a point she does not yet choose to come to, as if we were wresting the helm out of her hands", wrote bishop Horne in 1571. As a result, according to Horne's assessment of the situation, the English clergy had but to exercise patience and await "the guidance of the divine Spirit, which is all we can do".² Inevitably Knox's approach was bound to be different. In temperament unsuited, and in practice unaccustomed, to accept such passive acquiescence, Knox had long reflected on man's "cankered nature"³ and had come to the conclusion that "civill authority hath not alwayes the light of God shining before their eyes".⁴

Indeed, for moderate reformers "who are neither hot nor cold", Knox had but little patience.⁵ In 1555, he had declared that of the

1. Parker, Correspondence, 105.

2. Zurich Letters, i. 248.

3. Knox, Works, ii. 199; History, ii. 289.

4. Works, ii. 546; History, ii. 200.

5. Works, v. 516.

sins which had moved God to plague England with Mary Tudor, one of the most serious had been "that slackness to reform religion, when time and place was granted";¹ and, in 1559, he had urged England to embark at once on a more thorough reformation irrespective of the sovereign's dictates.² But, like Goodman,³ he seemed already dubious of the ability of the Anglican church to rid itself of the "dregges of Papistrie"⁴ and attain that purity in religion which he saw reflected in the Scottish kirk.⁵ Nor were his misgivings, in essence, markedly at variance with the views expressed by bishop Horne who, in 1576, depicted the Church of England, though sound, as "yet struggling with that old disease, under which she has laboured even from her infancy: for she will not entirely recover from popery before the last coming of that great physician Jesus Christ".⁶

It was perhaps inevitable that the man whom Elizabeth had refused permission to set foot in England⁷ should proceed by sea to Scotland and there assume a decisive part in that country's reformation. Given a free hand in Scotland, Knox lost no time in setting about the task of restoring religion to its original purity and perfection. His austerity and vehemence had evidently made an impression on the English ambassador;⁸ and Maitland of Lethington had likewise narrated

1. Knox, Works, iv. 44.

2. Knox, Works, v. 503-522.

3. For Goodman's views on "the slack and imperfect proceedings in religion" see C.S.P. Scot. i. no. 554.

4. Knox, Works, vi. 12-13, 83-84.

5. Knox, Works, ii. 263-264; History, ii. 3.

6. Zurich Letters, i. 320.

7. Knox, Works, ii. 21-22; History, i. 286-287.

8. C.S.P. Scot. i. no. 1035; cf. no. 1157.

to Cecil how Knox's pronouncements "can not easaly be dygested by a weake stomach".¹ Even Calvin, who had remarked on how "energetic a counsellor"² Knox was, felt constrained to remind him that he ought in certain matters to regulate his strictness with discretion.³

More is known about Knox, "the apostle of the Scots",⁴ than any other Scottish preacher, yet not even with Knox do we have a systematic exposition of his views on church government. It would certainly be misleading to attribute all in the Book of Discipline to Knox alone, for, while its general tenor doubtless reflects Knox's approach to the subject, such a document was the product of more minds than one. His writings, however, do reveal a recurring theme of abhorrence at the "prowde prelates" of the old order and their "great dominions and charge" which he insisted were a maintenance of the tyranny of the "Roman Antichrist" and in no way "parte of Christ's ministerie".⁵ In contrast to the old hierarchy, Knox indicated his decided preference for Geneva as a model for at least the local organisation of the reformed church.⁶

It was, perhaps, inevitable that the Genevan pattern should be reflected in the Scottish Book of Discipline. In that document, the Scots did not assert, as did the English, that "from the Apostles' time there hath been these three orders of ministers in Christ's

1. Knox, Works, vi. 136-137; C.S.P. Scot. i. no. 1037.

2. Knox, Works, vi. 95.

3. Ibid. vi. 124; Calvin, Opera, xviii. no. 3377.

4. Cf. M'Crie, Knox, (1855), 463.

5. Knox, Works, v. 518-519.

6. Knox, Works, ii. 16 (vi. 16), iv. 240; History, i. 283.

Church; Bishops, Priests, and Deacons".¹ Instead, they maintained the scriptural validity of a ministry which included elected elders and deacons. Such an order, the Scots maintained, God had "now restoired unto us agane efter that the publict face of the Kirk hes bene deformed by the tyranny of that Roman Antichrist".² Indeed, throughout their proceedings, the Scots made it clear that their intention was to restore the "grave and godlie face of the primitive Church".³ Consequently, archbishop Hamilton's plea for the retention of the old polity - "the work of many ages" - was rejected.⁴ Nor did Randolph, the English agent in Scotland, see any indication that Knox and his fellow ministers were prepared to bring their church into uniformity with the Church of England.⁵ Such an outcome was, perhaps, not altogether unforeseen. Only two years previously, Anthony Gilby, the colleague of Goodman, and the friend of Knox, in Geneva, had counselled the Scots from the beginning to "beware that ye folow not the example of your brethren in England".⁶ Indeed, any attempt to have the Scottish reformation conform to the English pattern came not from ecclesiastics but from secular-minded politicians.

The lines along which the Scottish church polity developed

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1. The Two Liturgies ... of King Edward VI., 16.
 2. Knox, Works, ii. 153; History, ii. 278-279.
 3. Knox, Works, i. 306, cf. 303, (Calderwood, ii. 318); Knox, History, i. 151, cf. 150; Knox, Works, ii. 264; History, ii. 3-4; B.U.K. i. 94, 107, 267, 311; B.U.K. ii. 419; R.St.A.K.S. i. 311; Row, History, 12; cf. Forbes, Certaine Records, 345.
 4. Spottiswoode, i. 372.
 5. C.S.P. Scot. i. no. 891; Knox, Works, vi. 119.
 6. Knox, Works, iv. 561, 562.

reflect, instead, principles which, while they can also be seen elsewhere, did operate in Geneva. With its emphasis on discipline, its distinction between church and state, its approval of a ministry called by the congregation and assisted by elders and deacons, and in its acceptance of the congregational consistory, the Book of Discipline all too evidently echoes Calvin's Ecclesiastical Ordinances and Institutes, and the Forme of Prayers used by Knox and the English exiles in Geneva. Knox himself had taken a prominent part in compiling the Forme of Prayers, based on Calvin's La Forme,¹ and as a leading contributor to the Scottish Book of Discipline, Knox inevitably held an influential position in determining the form of polity which the Scottish church should assume. Thus, on his return to Scotland, Knox, we are told, strove "by all means to conform the government of the Church with that which he had seen in Geneva".² Similar testimony of Knox's attachment to Genevan principles is also forthcoming from Catholic contemporaries. The Catholic theologian, Ninian Winzet, for example, described Knox as "principall patriark of the Calvineane court";³ and bishop Leslie likewise alluded to Willock, Goodman and Knox as "the ministeris of Calvine".⁴ On their return to Scotland, Knox and Goodman in St. Andrews, as elsewhere, laboured to create a replica of Genevan discipline in which "fraternal correction" became the cornerstone of the entire system of ecclesiastical discipline.⁵

1. See W.D. Maxwell, John Knox's Genevan Service Book, 17-19. The text of the service book is given in Knox, Works, iv. 157ff.

2. Keith, History, iii. 15, quoting from Spottiswoode's MS. History; cf. Spottiswoode, i. 371.

3. Certane Tractatis, 56.

4. Leslie, History, (S.T.S.), ii. 449, cf. 447, 464.

5. Cf. R.St.A.K.S. i. 36; Knox, Works, ii. 244-245; History, ii. 316.

Yet the true significance of the Scottish polity, it must be stated, lies not in its slavish imitation of the Genevan model but rather in its adaptation of Genevan principles to meet the particular requirements of the Scottish situation. The Genevan system might serve as a suitable example for a republican city but it would obviously require modification to meet the needs of a church organised on a national basis. An even more important factor, perhaps, in determining the form which the reformed church would take was the prevailing political situation itself.

To any reformer in Scotland at the crossroads of the sixteenth century, the precarious position of the reformed faith must have been painfully obvious. Unendowed, unrecognised by the crown, void of any legal footing, the reformed church was faced with a daunting missionary task. The old faith, admittedly in a state of serious moral and spiritual decay, was not without support. By profiting from church lands and revenues, the crown and nobility had a financial interest in maintaining the existing structure, while the medieval church itself showed certain signs of vitality in a series of provincial councils by at least recognising the need for wholesale reform. Archbishop Hamilton, Quintin Kennedy and Ninian Winzet were all influential Catholic apologists in the programme of attempted reform from within;¹ but such an initiative, however enterprising, came too late in the day. The proposed reforms, though far-reaching, remained but a feeble substitute for the religious radicalism of the

1. Cf. Patrick, Statutes; Hamilton's Catechism, (Source Book of Scottish History, ii. 149-150); Winzet, Certane Tractatis; Kennedy, Ane Compendius Tractave; (Wodrow Society Miscellany, i. 87ff.); cf. Knox, Works, vi. 157-220.

reformation which had made converts in substantial numbers among the burgesses and lairds of Ayrshire, the Lothians, Fife, Angus and the Mearns.¹

At an institutional level, despite its shortcomings, the old diocesan and parochial structure - with its cathedrals, collegiate kirks, monasteries, friaries and nunneries - persisted and continued to function as best it could; but, alongside this cumbersome, top-heavy yet basically intact machinery of the old order, new protestant congregations had come into being, organised, disciplined and militant as a result of the underground activities of the "privy kirks" in the burghs of the central lowlands and ports of the eastern seaboard. In a hostile or indifferent world, the reforming party had the immediate task of competing with what remained of the old faith, of winning general adherence and emerging as a visible and powerful majority. Faced with an administration, at once Roman Catholic and Francophile, headed by Mary of Guise, the reformers' goal was, indeed, a formidable one.

The first tentative steps towards reformed worship, the formation of viable congregations, and the organisation of a reformed church had been foreshadowed in the somewhat enigmatic "privy kirks" of the 1550's. The protestant party, at that stage, lacked an official ministry;² but, with the royal priesthood of believers firmly rooted in men's minds, Knox described how "men began to exercise thameselfis in reading of the Scriptures secretly within

1. Wodrow Society Miscellany, i. 54.

2. Knox, Works, i. 300; History, i. 148.

thair awne houses", how some were elected "to occupie the supream place of exhortatioun and reading", and how elders and deacons were elected for administering discipline and distributing alms.¹

Comparatively little is known about the activities of the "privy kirks", but, as early as 1555 according to one source,² a small secret protestant congregation, with elected elders and deacons, was active in Edinburgh, meeting by winter in merchants' houses and by summer in the fields. It was probably to such assemblies that Knox preached in 1555;³ and, in Angus, Erskine of Dun appears to have arranged similar meetings at his home where neighbouring lairds and merchants from Montrose resorted to hear Knox's sermons and receive Communion. In the Lothians and Ayrshire, too, the local gentry and burgesses afforded Knox similar facilities for addressing small private gatherings.⁴ These meetings provided the basis for the evolution of secretly organised protestant congregations. Once it had penetrated and captured the burghs, protestantism proved impossible to eradicate. The whole structure of the merchant and craft guilds, whose proceedings were discussed behind closed doors, could be readily used to protect and foster the growth of an underground network of semi-secret

1. Knox, Works, ii. 151; History, ii. 277; cf. below, 22-3.

2. Calderwood, i. 303-304, cf. 305. (M'Crie believes this account is anachronistic but adduces no evidence for his belief. Thomas M'Crie, Life of John Knox, 112 n. 2). Richard Fitz also used the term "priuye church" to denote his separatist congregation in London, C. Burrage, Early English Dissenters, ii. 13.

3. Knox, Works, i. 245-249; History, i. 118-121; Calderwood, i. 304ff.

4. Knox, Works, i. 249-251; History, i. 121-122; Calderwood, i. 306-307.

protestant congregations;¹ and by the 1550's all the evidence suggests that the foundations had been laid in many lowland burghs for the emergence of just such an organisation.

Within such an elementary congregational framework, the reformers could already boast of the "face of a Church amanges us",² but the task still awaited them of transforming this into an established church. It was not till Paul Methven's public ministry in Dundee that protestants could claim to have erected "the face of a publict church Reformed".³ If Dundee was the first town openly to embrace the reformed faith, its example was followed without delay by other burghs. By September 1558, Knox was able to report that reformed congregations were in operation with an established ministry in St. Andrews, Dundee, Perth, Brechin, Montrose, Stirling, Ayr and even in Edinburgh where "Christ Jesus is preached ... and his blessed sacraments rightlie ministered".⁴ An insight into the organisation and activities of one of these congregations, in 1559, is provided in the register of St. Andrews kirk session; for, in its election of elders and deacons and in its exercise of ecclesiastical discipline, St. Andrews must have been fairly typical of those other reformed congregations whose earliest records have not survived.⁵

The success of the protestant movement, despite the government's

1. Cf. T.C. Smout, A History of the Scottish People, 60.

2. Knox, Works, i. 300; History, i. 148.

3. Ibid.; Calderwood, i. 333.

4. Knox, Works, vi. 78, 22; cf. i. 316-317, 362-363; History, i. 159-160, 191-192.

5. R.St.A.K.S. i. 3.

hostility, is reflected at local level in the provision made by many town councils for appointing protestant ministers to burgh churches. In Ayr, by May 1559, the authorities had dispensed with the services of chaplains;¹ and in November had appointed John Or as schoolmaster and assistant minister, who, in absence of Christopher Goodman, their minister, "(quhilk salbe bot viii or ix dayis at ye maist at aneis) sall say and reid ye commoun prayaris and minister ye sacrament".² In Dalmellington, too, Leonard Clark had been appointed minister by 1559;³ and, by Easter 1560, Stirling town council had evidently accepted Thomas Duncanson as reader, for, in the following October, the council had assigned him a stipend of forty merks:⁴

"For reiding of the commoun prayeris, and that aye and quhill ordour be put thairto be the lordis, and for the service bygane sen the fest of Peaxe last bypast; provyding that the said Thomas saye and reid the prayeris ilk wark day anes in the day, and twys on the Saboath, and oftir gif he be requyrit."

Precisely when a minister was appointed to Stirling is uncertain; but, two months before the general assembly of December 1560, the council had allocated a "luggion and houss" to John Duncanson, a

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1. S.R.O. B6/12/3. Ayr Burgh Court Book, 22 May 1559, see also 6 November 1559.
 2. Ibid. 20 November 1559. (Although Knox mentions on 2 September 1559 that there existed a reformed congregation at Ayr, Goodman could not have been minister for at that date, Goodman, having journeyed from Geneva, had just arrived at the Scottish border. Knox, Works, vi. 78).
 3. Ibid. 31 November 1559.
 4. S.R.O. B66/15/4. Stirling Burgh Court Book and Council Records, 14 October 1560. (Stirling Burgh Records, 74). He was also schoolmaster, B.U.K. i. 44.

former St. Andrews cleric,¹ for his services as "mynister" in the town.²

In similar fashion, the magistrates in St. Andrews appear to have concurred in the appointment of Adam Heriot, who, by 1559, was installed as minister in the parish church;³ for, although the date of his appointment remains obscure, the presence of two bailies in the kirk session does reflect a measure of official countenance.⁴ Among other Fife burghs, Anstruther, Falkland⁵ and Kennoway,⁶ for example, appear to have had an established ministry and active kirk session in operation for fully nine months, and perhaps more, before the meeting of the general assembly in December 1560; and there are indications, too, that in September 1560 Kirkcaldy and Aberdour likewise possessed energetic kirk sessions.⁷

The role of local authorities in upholding the reformed faith extended considerably beyond the mere appointment of ministers, for such an initiative in itself was little more than a continuation or extension of their control over burgh churches in pre-reformation times. Characteristic of many towns was the lead taken by the

1. Cf. B.U.K. i. 222; Calderwood, iii. 187.

2. S.R.O. B66/15/4. Stirling Burgh Court Book, 31 October 1560. (Stirling Burgh Records, 75-76). There is a gap in the records between 18 June - 1 April 1560.

3. R.St.A.K.S. i. 5.

4. Ibid. i. 3. (In 1560, Goodman replaced Heriot who had been translated to Aberdeen. Knox, Works, ii. 87; History, i. 334; R.St.A.K.S. i. 4; cf. B.U.K. i. 3).

5. R.St.A.K.S. i. 22.

6. John Row was minister at Kennoway before his translation to Perth in July 1560. Fasti, v. 91; iv. 229.

7. R.St.A.K.S. i. 50-54.

magistrates, in partnership with the reformed church, in establishing a godly discipline within their bounds. Nor was such an approach inconsistent with reformation thought which was by no means hostile to the civil magistrate's participation in church affairs.¹

The concept of discipline was not confined to protestant thought. The Council of Trent called for "the extirpation of heresies, the restoration of ecclesiastical discipline and reformation of manners";² and, in Scotland, Ninian Winzet was no less concerned with an "unfenzeit reformation of doctrine and maneris".³ What was, however, a novel feature of the reformation was the reformers' insistence on the absolute necessity of discipline. To Calvin, discipline or "fraternal correction" was a medicine designed to bring back sinners to the fold;⁴ and to Knox and his colleagues, discipline was deemed no less essential to the well-being of the church.⁵

It is not surprising to find, therefore, that by 1559 Dundee town council, for example, had legislated against immorality and irregular church attendance.⁶ A similar pattern is evident in Ayr where the magistrates in 1559 acted as judges in a case of adultery

1. Calvin, Opera, x.i.18 (Heyer, 263); Institutes, IV. xx. 4, 9; Bullinger, Decades, i. 323-344; Bucer, Opera, xv. 113; Knox, Works, i. 40, 151, 365-366; ii. 118, 208-209, 227, 231, iv. 79, 173; History, i. 17, 194-5, ii. 234, 271 (A.P.S. ii. 534), 295, 306, 308.

2. see Calvin, Tracts, iii. 20. (Acts of the Council of Trent).

3. Certane Tractates, 2.

4. Calvin, Opera, x.i.30. (Heyer, 275); Institutes, IV. i, 16, xii. 1. cf. Bucer, Opera, xv. 42, 70ff.

5. Knox, Works, ii. 233; History, ii. 309.

6. Alexander Maxwell, History of Old Dundee, 71, 81.

brought before them by the wife of an Irvine burgess, who, it was stated, was "as yit not willing to amend" unless "he be recounsolit be sum guid Cristiane pepill at the will of God to repent". For deserting his family and committing a breach in morality "to the greit displeasour of almichtie God his creator" and "all guid Christane pepill", the bailies required him to amend his life and honour his "band of promeis of matrimonie"; while his guilty partner was likewise admonished to acknowledge "oppinlie for hir pairt that sche had innumerabillie offendit to hir said creator" and to promise to mend her ways.¹

In Crail, too, the magistrates gave positive support to the reformed church, when, in December 1559, they "desyrit ye hayll chaplanis of this toun to apply thameselfis to Goddis Word and lyf godly conform to the congregatioun", and, again, when John Brown, one of the chaplains, compeared he was required to "renuns ye papis lawis and all uther abominatiounis" publicly in church.² The priests, chaplains and other dignitaries in St. Andrews likewise recanted their former beliefs before the congregation;³ while, in Ayr, on 20th November 1559, the bailies accepted the "lamentabill bill of support" submitted by Alexander Ker, a cleric of the old order, whom they appointed church officer on the condition that before the congregation he would repudiate "the devill, the paip and all thair workis".⁴ As

1. S.R.O. B6/12/3. Ayr Burgh Court Book, 22 May 1559.

2. S.R.O. B10/8/2. Burgh of Crail: Town Clerk's Scroll Book, 1554-1560, 4 December 1559.

3. R.St.A.K.S. i. 10-18.

4. S.R.O. B6/12/3. Ayr Burgh Court Book, 1549-1560, 20 November 1559.

early as 1558, the town council of Edinburgh, on scriptural grounds, had opposed the parading of an idol on St. Giles day,¹ and, in the following year, the provost and magistrates of St. Andrews agreed "to remove all monumentis of idolatrie, whiche also thay did with expeditioun".²

Equally symptomatic of the times, in a dispute over "St. Mychellis fundatioun" in Stirling in July 1560, was the contention of one party that the protest of the other should be rejected on the grounds that "he hes nocht as yit recantit his auld traditiounis";³ while, in the same town on 2 January 1560/1, several people were punished by the town council for "sklanderung and talking of the magistratis and elderis of the town" to "the blasphemie of the name of God".⁴ By April 1561, the new faith had so dominated events locally, as well as nationally, that Stirling town council found itself free to sell the chalices of the altars of St. James and St. Peter, and able to devote the bulk of the proceeds to the more mundane purpose of "the mending of the calsay".⁵

In co-operation with local authorities, the reformers had thus achieved the outlines of a satisfactory solution to the polity of the reformed church at parish level. On a national basis, however, the protestant party had still to define its position vis a vis the Catholic, pro-French government of the queen regent. An attempt at

1. Knox, Works, i. 258-259; History, i. 127.

2. Knox, Works, i. 349-350; History, i. 182; C.S.P. For. Eliz. i. p.321.

3. S.R.O. B66/15/4. Stirling Burgh Court and Council Records, 8 July 1560. (Stirling Burgh Records, 73).

4. Ibid. 2 January 1560/1. (Stirling Burgh Records, 77).

5. Ibid. 10 April 1561. (Stirling Burgh Records, 78).

clarifying these relations between the reformed church and the "higher powers" had come with a supplication, in 1558, from the lords of the congregation to Mary of Guise, calling for a godly reformation.¹ The plea was for a reformation effected through the agency of the crown itself. Knox reassuringly states that, at this stage, the reformers "wold attempt nothing without the knowledge of the sacrate authoritie".² Their petition to the regent, however, was not merely confined to reforming the church. By insisting on "a publict Reformatioun, alsweall in the religioun as in the temporall goverment",³ the protestant party were introducing an even more menacing note, which soon gave the government grounds for its repeated claims that the protestants, in truth, "mentt no religioun, but a plane rebellioun".⁴ The reformers evidently recognised their mistake in pursuing such a policy,⁵ for in their protestation to parliament, their leaders retracted their earlier statements, claiming, instead, that their request tended "to none other end, bot to the Reformatioun of abuses in Religioun onlie".⁶

Initially, the reformers had entertained hope that the ungodly civil power could be induced to become if not exactly godly then a

1. Knox, Works, i. 302-306; History, i. 149-152; C.S.P. For. Eliz. 1558-1559 no. 15; Calderwood, i. 333-337.

2. Knox, Works, i. 301, cf. 312; History, i. 148, cf. 156.

3. Knox, Works, i. 303; History, i. 149.

4. Knox, Works, i. 338, cf. 324, 363-365, 368, 399, 418, 424; vi. 23, 30; History, i. 173, cf. 163, 193-194, 196, 218-219, 233, 237.

5. Knox mentions that many supporters in the Lothians thought the reformers meant something more than a reformation of religion and withdrew their support. Knox, Works, i. 437; History, i. 246.

6. Knox, Works, i. 314, cf. 366; History, i. 158, cf. 194-195.

little less intractable and a little more accommodating. The regent for her part had shown herself favourably disposed to listen to the protestant party's propositions. It was only in retrospect that Knox depicted her as "ane woman crafty, dissimulate, and fals, thinking to mak hir proffeit of both parteis";¹ for, earlier, Mary of Guise, to Knox's evident satisfaction, had promised to "putt good ordour after this to all thingis that now be in contraversie".² With this in mind, the protestant leaders had commended the regent to Calvin in extravagant language, which they soon reversed and never repeated.³

In keeping with the regent's conciliatory gestures, the language of the reformers was likewise couched in uncharacteristic moderation. By affirming that they knew "no other order placed in this realme, but your Grace, in your grave Counsall, sett to amend, alsweall the disordour Ecclesiasticall, as the defaultes in the Temporall regiment",⁴ the reformers appeared to commit themselves to attaining their programme through constitutional channels.

Such attempts at a rapprochement, however, proved short-lived. The regent's reputed quip, no doubt provoked, that protestant ministers "shalbe banissed owt of Scotland, albeit thei preached als trewlie as evir did Sanct Paule", and her taunt that "it became not subjectis to burden thare Princess with promisses, farther then it

1. Knox, Works, i. 307; History, i. 152.

2. Works, i. 314. cf. 312; History, i. 158, cf. 156.

3. Works, i. 315; History, i. 158-159.

4. Knox, Works, i. 303; History, i. 150.

pleaseth thame to keape the same"¹ indicated a hardening in attitude, which, in turn, was countered by an intensified protestant campaign. Although, as a matter of tactics, they continued to express outward obedience to the government, the reformers had turned their back on constitutional action and had resorted to revolution.

Committed to such a programme of insurrection, the lords of the congregation, as "borne counsallouris of the realm,"² confirmed in the righteousness of their action by Willock and Knox, solemnly "suspended" Mary of Guise and invested effective power, instead, in a provisional government or "great council of the realm".³ Such an outcome was but the logical conclusion of their earlier actions and statements.

The initiative of the reformers, and the resources at their disposal, were themselves insufficient to guarantee a successful outcome to the revolution against Rome and France. In the end, it was only with English political and military intervention that the stability of the Scottish reformation was assured.

The reformed church had, thus, emerged. It was at last in a position to devote its attention to the task awaiting it: the construction of a more integrated polity to meet the needs of a church organised on a national basis. A congregational structure already existed in many areas; but provision had still to be made for a regional organisation and for a central authority to co-ordinate the activities of the local churches at national level.

1. Knox, Works, i. 316; History, i. 159.

2. Knox, Works, i. 372, 411, 441; History, i. 199, 227, 249; C.S.P. Scot. i. no. 525; C.S.P. For. Eliz., 1558-59, nos. 1036, 1277.

3. Knox, Works, i. 441ff; History, i. 249ff.

Chapter 2

A POLITY DISCUSSED: The Book of Discipline

"in this poynt could never our enemyes caus us to fainte, for our first Petitioun was, 'That the reverent face of the primitive and apostolick Church should be reduced agane to the eyes and knowledge of men.' And in that poynt, we say, our God hath strenthened us till that the work was finished, as the world may see."

(Knox, Works, ii. 264; History, ii. 3-4.)

If the organisation of the reformed church was conditioned by the political situation in which it was forced to operate, there was certainly little in its polity which could be described as purely provisional. By making an eldership and diaconate an integral part of the church's organisation, the reformers did not simply adopt these institutions as a temporary device until they obtained the support of the civil power. There is, on the contrary, plenty of evidence that they interpreted these offices as absolutely fundamental.¹ The proposition that the eldership existed only in a church "under the cross", in times of persecution, and that, under the protection of a godly prince, it should give way to an episcopal system was an argument advanced by Whitgift, Bancroft and other Anglican apologists,² but it was one which found little favour, sympathy or mention in the Scottish church.

There may have been, it is true, something of a parallel to

1. Knox, Works, ii. 153; History, ii. 278-279; Works, iv. 176, 319; R.St.A.K.S. i. 311; B.U.K. i. 34, 311.

2. Whitgift, Works, i. 389-395, 472; iii. 160-167, 180, 214; Tracts ascribed to Richard Bancroft, 108-110, 112-115; Bilson, The Perpetual Government of Christ's Church, 399, 460.

developments in Scotland in the congregations of English emigres on the continent. But in Frankfort, as elsewhere, the English refugees in electing elders and deacons were simply imitating that order which they found an accepted pattern among reformed churches. So radical were the tendencies of the Frankfort community that its leaders even refused to install a superintendent when counselled by the Strasbourg party and insisted, instead, on having several ministers "of like authority; as is accustomed in the best Reformed Churches".¹ Their intention, it has been stated, was "the establishment of a Bible Commonwealth in which there would be no place for bishops".² Among the exiles, there were also those who saw the possibility on their homecoming of modelling the worship of the Anglican church in the light of their continental experience.³ In their correspondence with other Anglican communities in exile, the Frankfort congregation had depicted their church as one "subject to no blemish, no nor so much as the evil of suspicion, from the which few Churches are free" and went on to uphold their polity as a model "and good ensample to others".⁴

It was in contrast to such an approach that Cox and the party from Strasbourg had made it clear, in their dispute over the prayer book, that "they would do as they had done in England, and that they would have the face of an English church", which evoked from Knox the informative response "the Lord grant it to have the face of Christ's

1. A Brief Discourse of the Troubles at Frankfort, 31.

2. C. Garrett, The Marian Exiles, 329.

3. M.M. Knappen, Tudor Puritanism, 122.

4. A Brief Discourse of the Troubles at Frankfort, 26.

Church".¹ Here, in a phrase, was an indication of the gulf between Knox and Cox and a measure of the difference between puritan and Anglican.

In Geneva, too, in constructing their polity based on an eldership and diaconate, the exiles drew up "a forme and order of a reformed church" which, they declared, was "lymited within the compasse of God's Woorde, which our Saviour hathe left unto us as onely sufficient to governe all our actions bye".²

In similar manner, the polity of a Lasco's Church of the Strangers in London was in no way dictated by the fact that his church was, as we should say, non-established. Though he acknowledged his considerable debt to the models of Geneva and Strasbourg,³ a Lasco explicitly affirmed that the source of his polity was apostolic;⁴ and he saw his church as serving as an example of pure reformed faith to the but half reformed Anglican church.⁵ In October 1550, Micronius could thus report to Bullinger: "we appointed four elders according to the apostolic ordinance, to assist the minister, not indeed in the ministry of the word, but in the conservation of doctrine and morals in the church".⁶

Calvin himself, of course, had made no distinction between one polity suitable for a non-established church and another for a church

1. Ibid. 54, 62.

2. Knox, Works, iv. 160.

3. a Lasco, Opera, ii. 50.

4. Ibid. ii. 48, 55-56; O.L.rel. Eng. ref. ii. 567-568.

5. a Lasco, Opera, ii. 10.

6. O.L.rel. Engl. ref., ii. 570-571.

established. His source was simply the primitive church of the apostles; and in the Institutes, scriptural texts for his four-fold order are cited with approval.¹ Thus did Calvin declare:²

"There are four orders of offices that our Lord instituted for the government of his church: first the pastors, then the teachers, after them the elders, and fourthly the deacons. Therefore if we would have the church well ordered and maintain it in its entirety, we must observe that form of rule."

The Scottish Book of Discipline, likewise, with its emphatic endorsement of the eldership, was designed not to meet the needs of a persecuted church fighting for its survival but rather to lay the foundations for the organisation of a national church. It was with this in mind that the reformers had presented it for ratification to the godly "great counsell of Scotland".³

As a report on the worship, polity and patrimony of the church, the Book of Discipline all too clearly reflected the task awaiting the reformers of making adequate provision for a church organised throughout the length and breadth of the land. The document, as such, was designed to act as a directory in regulating the procedure for the admission of candidates to the ministry,⁴ in specifying a uniform order to be observed in the election of ministers to particular charges⁵ and in ensuring, for example, that the schools and universities possessed adequate educational facilities.⁶

1. Institutes, IV, iii. 4.

2. Opera, x.1.15-17; (Heyer, 261-262).

3. Knox, Works, ii. 183-184; History, ii. 280.

4. Knox, Works, ii. 189-191; History, ii. 283-285.

5. Works, ii. 189-195; History, ii. 283-287.

6. Works, ii. 208-221; History, ii. 295-302.

The acute problem confronting the reformers of staffing a thousand parishes with a trained and qualified ministry, likewise, received attention. In terms of personnel alone, quite apart from financial considerations, such an undertaking could not be realised overnight. An interim solution to the problem was, therefore, forthcoming with the appointment of exhorters and readers to parishes for which fully trained ministers could not be found.¹ On the need for discipline and the machinery to be used in disciplinary cases, the Book was no less explicit;² and, on the question of parish organisation, the Book affirmed and upheld the congregational structure inherited from the "privy kirks".³ But, if the bulk of it was devoted to regulating the activities of the church at local level, the Book of Discipline was by no means silent on the larger issue of how the church should be governed on a regional or national basis. By introducing the office of superintendent, the reformers hoped to solve the immediate question of oversight.⁴

The Book of Discipline, in its earliest form, appears to have been commissioned by the provisional government, on 29 April 1560, with a view to obtaining recommendations on how the "Reformatioun of Religioun" should proceed.⁵ It had obviously been completed before 20 May, for on that date the work was submitted to the government for official approval;⁶ and in outline, it may be identified with the

1. Works, ii. 195-196; History, ii. 287-288.

2. Works, ii. 227-233; History, ii. 306-309.

3. Works, ii. 233-237; History, ii. 309-312.

4. Knox, Works, ii. 202ff; History, ii. 291ff.

5. Knox, Works, ii. 183; History, ii. 280.

6. Knox, Works, ii. 257; History, ii. 323; Row, History, 15.

"Book of common Reformation", which, according to Randolph's report of 25 August, was in the process of being translated into Latin for the scrutiny of Calvin, Bullinger and other continental divines in Geneva and Zurich.¹ Yet the problem of precisely dating the Book of Discipline's composition does not end there. The issue is complicated by Knox's apparently contradictory statement that the committee which drew up the Book of Discipline met after the parliament of August 1560.² It may be that Knox's chronology is to blame; but Knox was, after all, a member of the committee which compiled the Book and when he came to write his History a few years later, it would scarcely be difficult for him to recollect whether the really important period of discussion preceded or followed the "reformation parliament". Even if Knox's narrative errs on this point, it is, at any rate, hard to explain why Calderwood and Scot agree in placing the Book's composition in the period after, and not before, the meeting of the August parliament.³

These apparent inconsistencies in assigning a definite date to the Book's compilation have been reconciled by postulating the theory that the contents of the Book evolved over a considerable period and

1. C.S.P. Scot. i. no. 891; C.S.P. For. Eliz. i. no. 454. Attempts to trace a copy of the "Book of common Reformation" in the following archive repositories have proved unsuccessful:- Geneva: Archives d'Etat, Bibliotheque du Musee Historique de la Reformation, Bibliotheque Publique et Universitaire de Geneve, Bibliotheques Municipales; Zurich: Staatsarchiv des Kantons Zurich, Zentralbibliothek Zurich; Lausanne: Archives Cantonales Vaudoises, Bibliotheque Cantonale et Universitaire.

2. Knox, Works, ii. 128; History, i. 343.

3. Calderwood, ii. 41; Scot, Apologetical Narration, 4.

consequently were not simply the product of conclusions reached in April or May.¹ Such an explanation would also go far to explain the untidy nature of the document which all too evidently betrays a lack of adequate revision.

The wording of the preface to the earliest known version of the Book of Discipline,² certainly seems to indicate that the first draft was no more than a report on "doctrine, administration of sacraments, ecclesiastical discipline and polity of the kirk". The phrase "election of ministers, provision for their sustentation" is omitted from the earliest version and appears only in subsequent versions.³ This may suggest that a good deal of additional material of a more detailed nature was incorporated into the Book of Discipline at a date subsequent to 20 May. Since the Book, in its earliest form, was initially conceived as a dissertation on how the church should be reformed,⁴ it would certainly be logical for its authors to treat the subject by giving an exposition of the threefold marks or attributes of the true church and so deal only with doctrine, sacraments and discipline. In April, there would have been little urgency for including any material on the procedure for the election of ministers, or, for that matter, the incorporation of a large amount of comment on the schools and universities. There was, for one thing, no large scale admission of candidates to the ministry in April, nor, indeed, for several months ahead; and, likewise, a considerable period of

1. See G. Donaldson, The Scottish Reformation, 61-63.

2. The MS. of 1566; Knox, Works, ii. 184; History, ii. 280.

3. Ibid.

4. Ibid.

time elapsed before the reformers gained effective control of the universities.

It is also significant that in those sections attributed to the first draft there is no mention of the superintendent's office; and, indeed, the probability is that in April or May the reformers had not committed themselves to any precise form of regional organisation. The first effective appointment of a superintendent, after all, did not take place till March 1560/1.¹ Equally, the "Form and Order" for the election of superintendents only became operative from that date;² and, moreover, the first appearance of the office in the admittedly defective acts of the general assembly does not occur till May 1561.³

Further testimony that, at some point in its composition, the Book of Discipline underwent some degree of revision and expansion would seem to be indicated in Randolph's report to Cecil on 6 February, 1560/1, where he states that "the self same Booke of Dyscipline (or at the leaste not farre alteryde from that that you sawe wrytten as your honour remembrethe by whom)"⁴ was presented to a convention of nobility for examination. Randolph's allusion to alterations in its composition appears to refer only to certain minor changes probably made by the general assembly of December-January, 1560/1 before the Book was finally submitted to the lay convention for approval; but such a commentary does, at the same time, afford some proof that the

1. C.S.P. Scot. i. no. 967.

2. Knox, Works, ii. 144; History, ii. 272.

3. B.U.K. i. 8; Calderwood, ii. 126.

4. C.S.P. Scot. i. no. 959.

document in the course of its development did undergo several amendments. The convention of January 1560/1, in turn, added its own additions, which are readily recognisable in the final version of the Book.¹

Scrutiny of the text of the document also reveals that in those earlier portions of the Book thought to have been compiled in April or May, there is no mention, significantly enough, of any "Counsall of the Kirk" or assembly of the church. This is consistent with the fact that there is no record of any ecclesiastical convention of the whole church ever having met at such an early date. But, in those sections believed to have been composed at a later date, there are emphatic references to just such a general assembly or council of the church.² Moreover, in the section on the election of ministers, for example, clear distinction is made between the "Counsall or greater Kirk" and that of the "inferiour Kirk".³ The assertion that ministers should be transferred from one church to another only after the deliberation and recommendation of the "hole Kirk, or the most parte thair of"⁴ may suggest that the reformers had in mind some sort of authoritative ecclesiastical assembly. It is significant, at any rate, that such a function was ascribed to subsequent assemblies.⁵ The translation of a superintendent from one province to another was

1. Knox, Works, ii. 196, 197, 198-199, 222, 225, 231, 233; History, ii. 288, 289, 303, 305, 308, 309 etc.

2. Knox, Works, ii. 190-1, 208, 226, 251; History, ii. 284-5, 295, 305, 320.

3. Knox, Works, ii. 191; History, ii. 284.

4. Knox, Works, ii. 194; History, ii. 286.

5. Cf. B.U.K. i. 50; Calderwood, ii. 281.

likewise forbidden unless the consent of the "whole counsaill of the Church¹" had been received; and the statement that a superintendent negligent in his duties should be deposed² may itself presuppose the existence of, or necessity for, some ecclesiastical assembly or machinery to make effective such a deposition.

There is also some evidence that the Book of Discipline itself had apparently been submitted to an ecclesiastical assembly for examination. In the passage on the superintendents' dioceses, mention is made of the "consent of the hoill Church, Mersse, Lauderdaill, and Weddell".³ This would tend to indicate the possibility of those supplementary sections having been written into the earlier draft of the Book during the meeting of the general assembly of December - January 1560/1. On the other hand, the inclusion of so large an amount of material so close to the convention of nobility and barons which met on 27 January would seem highly improbable. Randolph's report, moreover, would seem to indicate that, compared with Cecil's copy of the Book, any emendation which might have been made at that date was of a comparatively minor nature.

If no substantial additions were made by the December - January assembly, the fact still awaits explanation that the Book definitely bears the imprint of having been discussed by some ecclesiastical assembly. There are, however, certain considerations which strongly suggest that some sort of assembly of the church met as early as July 1560. In that month, with parliament adjourned and ready to meet

1. Knox, Works, ii. 208; History, ii. 295.

2. Knox, Works, ii. 208; History, ii. 294.

3. Knox, Works, ii. 203; cf. 204n.; History, ii. 292.

again in August, a number of nobles, barons and burgh commissioners met with the ministers and took action for the provision of ministers to the principal towns. We are told that "the maist pairt of the cheif Ministeris of the Realme" were present in Edinburgh on this date and that "the greitest pairt of the Congregation" had assembled in St. Giles. After a sermon, followed by prayer and public thanksgiving, the assembly turned its attention to the appointment of ministers.¹ Such an election was probably little more than a confirmation or regularisation of earlier elections at local level. What is significant, however, is that such a meeting should gather in St. Giles, that it should be held for an ecclesiastical purpose, that it should have been composed of representatives of the three estates, and that such a meeting, like later general assemblies, should take place immediately before the meeting of parliament. It may be suggested, therefore, that this assembly in some tentative sense constituted the first general assembly of the church and that it acted as a precedent for the general assembly of December 1560, which historians have recognised as the first general assembly of the church.

Further proof that the meeting of July may be considered the first general assembly would appear to be supported by Knox's statement that this enigmatic gathering had been appointed "to see the equall distributioun of Ministeris, to change and transport as the maist pairt sould think expedient".² This would certainly account

1. Knox, Works, ii. 84-87; History, i. 332-334; Calderwood, ii. 11; Spottiswoode, i. 325.

2. Knox, Works, ii. 87; History, i. 334.

for the Book of Discipline's insistence that "the hole Kirk, or the most parte thairof, for just considerationis, may transfer a Minister frome one kirk to another".¹ Such an assertion becomes readily intelligible when the sequence of events surrounding the Book's development is reconstructed.

Between 29 April and 20 May, the "Book of common Reformation" was drawn up as a report consisting of the reformers' judgments on how the reformation of religion should proceed. Then, in the interval, between June and August, it would seem that something significant or dramatic happened - important enough, that is, to render the original Book inadequate and to bring about the commissioning of a much fuller work. We know that in July an extraordinary assembly took place and that it approved and regularised the election of ministers. This would account for the urgent expansion of the earlier draft into a larger report which would act as a directory for future elections of ministers; and it would also explain the references in the enlarged Book to some general council or assembly of the church which had authority to choose ministers and which alone had power to transport them. Such a proposition would also account for the vague and inexplicit references to an assembly of the church and the complete lack of definition in the Book of the powers of such a body.

With the July assembly fresh in the reformers' minds, the next step came after the meeting of the August parliament, when a commission was granted to a committee of ministers "to draw in a

1. Knox, Works, ii. 194; History, ii. 286.

volume the Polecey and Disciplyn of the Kirk"¹ in a similar manner to the Confession of Faith, which had received parliamentary approval on 17 August.² The committee had a full three months in which to deliberate and compose an authoritative work. As soon as the task was completed, it would be logical for the assembly of December - January 1560/1 to examine and sanction the final work. What is indisputable, however, is that the final version was presented for ratification to the convention of nobility and barons which met in January 1560/1.³

One further point which requires investigation is the precise date at which the reformers decided to adopt the office of superintendent. In the months preceding the Treaty of Berwick, the reformation had developed according to the Swiss pattern. Organisation within the burghs had remained congregational; and little serious thought had been given to the question of regional organisation. But, with the conclusion of the Treaty of Edinburgh and the prospect of stability in sight, the reformers had of necessity to make provision for the government of the church on a wider basis.

The Book of Discipline itself was by no means silent on the question of oversight; and, in that portion of the Book believed to have been composed at a date subsequent to the meeting of the August parliament, considerable attention was focused on the office of superintendent. Accounts of the exact date when superintendents

1. Knox, Works, ii. 128; History, i. 343

2. A.P.S. ii. 526

3. C.S.P. Scot. i. no. 959; Knox, Works, ii. 129-131; History, i. 344-345.

were appointed are, however, conflicting and contradictory.

According to Knox, the assembly of July 1560 was concerned not only with the appointment of ministers to the principal burghs but also with the nomination of five superintendents.¹ In this, Knox is supported by the statements of Calderwood and Spottiswoode, who, likewise, assign the nomination of superintendents to that date.²

It was not, however, till 5 March 1560/1 that Randolph informed Cecil that "on Sunday next they choose in divers places for all the shires, superintendents, known and learned men".³ Only five superintendents were, in fact, appointed. Thus, on 9 March 1560/1, Spottiswoode received his appointment as superintendent of Lothian,⁴ followed by Winram, who, on 13 April 1561, was installed as superintendent of Fife.⁵ Willock was, likewise elected superintendent of the West on 24 September 1561.⁶ Erskine of Dun, whom the assembly of December 1560 had "thought apt and able to minister"⁷ could not have been admitted superintendent of Angus and the Mearns before 1562, for, on 31 December, Knox was required to travel north to attend Erskine's election.⁸ The date on which Carswell was appointed superintendent of the Isles remains obscure.

It is clear, therefore, that the first effective appointment of

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1. Knox, Works, ii. 87; History, i. 334.
 2. Calderwood, ii. 11; Spottiswoode, i. 325.
 3. C.S.P. Scot., i. no. 967.
 4. Knox, Works, ii. 144; History, ii. 273.
 5. R.St.A.K.S. i. 72-75.
 6. C.S.P. Scot., i. no. 1023.
 7. B.U.K. i. 4; Calderwood, ii. 46.
 8. Edinburgh Burgh Records, 1557-1571, 129.

a superintendent dates from the spring of 1561. This does not necessarily invalidate Knox's assertion that superintendents were nominated in July of the preceding year. Knox, it should be noted, did not state that superintendents were elected in July, but merely that they were nominated then:¹

"thir to be electit at the dayis appointit, unless that the countreyis quhairto thay war to be appointit could in the menetye fynd out men mair abill and sufficient, or ellis schaw sick causses as mycht inhabill thame from that dignitie".

It is not inconceivable, therefore, that some discussion on the superintendent's office had taken place as early as July. A parallel to the situation in July might, indeed, be forthcoming in the events surrounding the subsequent election of a superintendent for Aberdeen. In 1562 and, again, in 1564, candidates were nominated for the office but no one was, in fact, appointed.² Similarly, nominations were made in 1562 and, once more, in 1563, for the office of superintendent of Galloway and Jedburgh; but, again, no appointments were made.³ It is possible, therefore, that any nominations which took place in July 1560 remained inoperative till the spring of 1561. In August 1560, the chamberlain to the Catholic archbishop of Glasgow described Willock as having been "maid Bischop of Glasquo, now in zour Lordschipis absens, and placit in zour place of Glasquo";⁴ but, whatever the nature of his appointment as "bishop",

1. Knox, Works, ii. 87; History, i. 334, cf. Calderwood, ii. 11; Spottiswoode, i. 325.

2. B.U.K. i. 27, 53, 54; Calderwood, ii. 207, 283, 284.

3. B.U.K. i. 15, 28, 30, 32; Calderwood, ii. 184-185, 207, 208-9, 224; Knox, Works, ii. 374-5; History, ii. 72-73.

4. Keith, History, iii. 10.

his appointment was regularised in September 1561, when he was formally elected superintendent of the West.¹

It is conceivable that the abortive nature of the July nominations was due to the prevailing political situation and the reluctance of the privy council to sanction or make effective such nominations. The majority of sees, for one thing, were still occupied by prelates of the old order, and, apart from forfeiture for treason, there was little which could be done, in practice, to remove the existing holders. According to the Book of Discipline, the superintendents' stipends, paid from the revenues of the bishoprics, were to be "eikkit and pared and the discretoun of the Prince and Counsall of the Realme".² Failure, therefore, to make good any nominations in July may also have resulted from difficulty in obtaining satisfactory financial provision for the superintendents.

The Book of Discipline's financial proposals, with its all embracing claim to the patrimony of the old order,³ proved quite unacceptable to the nobles who "greadelie gripped to the possessionis of the Kirk".⁴ The worldlings, thus, refused to give to the church what was hers; and, as a result, the Book remained unratified by parliament. In doing so, the nobles may have denied to the church a legal foundation and valid constitution,⁵ yet the Book of Discipline, itself, continued to serve as an authoritative source in providing

1. Watt, Fasti, 150.

2. Knox, Works, ii. 198; History, ii. 289.

3. The lands and revenues of the monastic houses were tacitly relinquished.

4. Knox, Works, ii. 128; History, i. 344.

5. Cf. Knox, Works, ii. 385; History, ii. 81.

not only a serviceable framework in which a reformed ministry could operate but also in establishing the very essence of the church's organisation and polity for a full decade and more.

Chapter 3

A PASTOR OF MANY FLOCKS

"Give unto him, gude Lord, a mouthe and
 wisdom, quhareby the enemies of thy truthe
 may be confounded, the wolfis expellit, and
 driven from thy fauld, thy scheip may be fed
 in the wholsum pastures of thy most holy word".

(The Form and Order for the Election of
 Superintendents, 1561; Knox, Works, ii. 149;
History, ii. 276.)

On the need for visitation and effective pastoral oversight, conservatives and radicals alike found common ground for agreement. The solution to the problem of adequate supervision did, however, find different expression in different countries. In Lutheran Germany and Scandinavia, where the reformation was effected by the prince or king in opposition to the existing bishops, the office of superintendent was introduced as a counterpoise to the extensive episcopal and political powers enjoyed by the Catholic bishops. Such a development all too often resulted in an extreme depression of the superintendent's office; and in Sweden,¹ for example, as elsewhere, the superintendents became little more than mere officials of the crown. The superintendents did, however, succeed to the administrative functions exercised by the old bishops. The German superintendents who, as the princes' delegates, were charged with governing the church, not only carried out visitations, accompanied by lay associates, but inaugurated and admitted ministers and summoned synods;² and in Denmark the superintendents'

1 Michael Roberts, The Early Vasas, 168.

2 Ed. R. Laurence, The Visitation of the Saxon Reformed Church, 24ff.; J. Bodonhelyi, "John Knox's Superintendents", 13-14.

duties likewise consisted of preaching, overseeing their dioceses, censoring books, and attending meetings of the Rigsdage.¹

In England, however, where the entire organisation of the old church was retained, the protestant bishops fell heir to the supervisory and administrative powers of their Catholic predecessors. There the office of superintendent came to be equated not with a bishop as such, but with the "chorepiscopus" or assistant bishop, or alternatively with the office of rural dean.²

Even so, the title of superintendent did not command universal acceptance; and in parts of southern Germany, for example, where Swiss influence predominated, the term superintendent, though not its substance, was itself rejected in favour of another. Within Switzerland, the Zurich "decan" was appointed to carry out visitations and admit ministers; while in Basel, the civil magistrates nominated "examiners", consisting of ministers and laymen, whose supervisory functions included examining candidates for the ministry and convening twice yearly synods.³ In Geneva, Calvin's solution to the question of oversight came with the appointment of "visitors", two of whom were elected by the magistrates and two by the ministers.⁴

Martin Bucer, however, favoured and retained the title of

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1. E. H. Dunkley, The Reformation in Denmark, 85-86, 173; G. Donaldson, "'The Example of Denmark' in the Scottish Reformation" S.H.R. xxvii, (1948), 62-63.
 2. H.M.C.Salisbury MSS. ii. no. 580; Patrick Collinson, "Episcopacy and Reform in England in the later Sixteenth Century", Studies in Church History, iii. 107-109; and The Elizabethan Puritan Movement, 181-190.
 3. J. Bodonhelyi, "John Knox's Superintendents", 19-22.
 4. Calvin, Opera, X. i. 45-48, 97-100.

superintendent. But, in Strasbourg, Bucer, in outlining his four essential ministries of pastors, doctors, "kirchenpfleger" and deacons, made no provision for placing the oversight of Strasbourg's seven parishes in the hands of a superintendent or bishop. Instead three "kirchenpfleger", whom Bucer later identified with elders, were elected in each parish with responsibility for exercising a general surveillance over the church. Along with twelve examiners, they took part in the election of candidates to the ministry, and, in addition to attending synods, they accompanied ministers in an annual visitation.¹ In Hesse, however, Bucer established a church constitution in which express provision was made for the office of superintendent; and, in England, Bucer later equated the office of bishop with that of superintendent.²

Even the French reformed church, for a spell at least, recognised the expediency of the superintendent's office. The French Confession of Faith, largely inspired by Calvin and approved by Beza, contained the passage:³

"We believe, also, that it is desirable and useful that those elected to be superintendents devise among themselves what means should be adopted for the government of the whole body, and yet that they should never depart from that which was ordained by our Lord Jesus Christ."

Although the French Book of Discipline rejected the name, it would

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1. J. Courvoisier, La Notion d' Eglise chez Bucer, 25-37; cf. H. Strohl, "La Theorie et la Pratique des Quatre Ministeres a Strasbourg avant l'Arrivee de Calvin", Bulletin de la Societe de l'Histoire du Protestantisme Francais, lxxxiv. (1935) 123-140; E. G. Leonard, A History of Protestantism, i. 187-188; H. Eells, Bucer, 241-2
 2. Bucer, Scripta Anglicana, (1577), 259.
 3. Philip Schaff, The Creeds of the Evangelical Protestant Churches, iii. 378.

appear that the office still existed in 1603, when it was stated that the term superintendent was not intended to imply any superiority.¹

If the terminology thus employed to denote such an office of oversight betrayed a considerable diversity of thought and practice, it is clear at the same time that a very large measure of unanimity did exist on the functions assigned to the overseer be he bishop, superintendent or visitor. In such an office, emphasis was squarely placed on the twin duties of preaching and visitation. Gustav Vasa's requirement of his bishops that "preachers shall ye be, and not lords" was not only applicable to remote Sweden,² but can be paralleled elsewhere in Europe. In England, Jewel, likewise, indicated in 1559 that "we require our bishops to be pastors, labourers, and watchmen";³ and the Scot~~z~~, Henry Balnaves, as early as 1548, had described the office of a true "bishop or minister" as one not of "great dignitie or lordeshippe" but of "great charge and worke" and his "principall work", according to Balnaves, consisted of preaching and teaching.⁴

A similar train of thought is also indicated in Cassander's congratulations to Cox on the latter's "advancement to the dignity, or rather the work, and office of a bishop"⁵ and a Lasco went as far as to declare that the only difference between a superintendent

1. M. G. Campbell, Discipline or Book of Order of the Reformed Churches of France, 5; Quick, Synodicon, i. 227, 266. See also Appendix I.

2. Michael Roberts, The Early Vasas, 114.

3. Zurich Letters, i. 51.

4. Knox, Works, iii. 531-535.

5. Zurich Letters, ii. 43.

and minister was his greater work and charge.¹

When the Scots, therefore, adopted the office of superintendent, they likewise admonished their superintendents and ministers to be not "tyrantes, nor lordis" but charged them rather to be "Servandis, Watchemen, and Pastoris of the Flock."² Scotland doubtless inherited the general conception of the superintendent's office from the numerous continental precedents, but to a Lasco's polity, in particular, the Scots appear to have been especially indebted. The functions assigned to the superintendent in either polity bear a remarkable similarity; and, in parts, the Scottish "Form and Order" appears to paraphrase a Lasco's Forma ac Ratio.³ The Scottish superintendents, unlike their Lutheran counterparts, never became royal officials, or instruments whereby the king could control the church.

Supervision of ministers and congregations was judged essential if the church were to fulfil its true mission and not succumb to the abuses and defects which had arisen in the old system from a lack of effective oversight. Yet a principal reason uppermost in the reformers' minds for the institution of the office in Scotland was the need for organising and erecting new churches throughout the land. Had all the ministers at their disposal been recruited to parochial charges, the reformers knew only too well that "the greatest part off this Realme should be destitute of all doctrine"

1. a Lasco, Opera, ii. 51

2. Knox, Works, ii. 147; History, ii. 275.

3. A. F. Mitchell, The Wedderburns and their Work, 80-88.

and that the people would again "returne to thair accustomed idolatrie". It was, therefore, in their concern for "the salvation of manye" and not simply the few, that the reformers decided "to mak difference betwix preachearis at this tyme" and appoint ten or twelve superintendents charged with the responsibility of establishing the reformation throughout the land.¹

In this sense, the superintendents have been compared with the travelling preachers employed in England; and certainly both Knox and Willock, in Edward VI's reign, had experience of acting in that capacity.²

The extensive supervisory functions assigned to the Scottish superintendents, however, extended considerably beyond those assigned to the English travelling preachers. Committed to the superintendents' charge were the oversight of ministers and congregations, the inspection of schools and universities and the examination and admission of candidates to the ministry. During visitation, a superintendent was expected to preach thrice weekly and was charged to remain no more than twenty or thirty days in any one place. On return to the principal town of his province, he was required to resume his duties in his court, which consisted of the local kirk session, acting in his presence with an enlarged jurisdiction to cover not simply the local congregation but all the parishes of the province.³ After several months' residence, the superintendent was, again, required to re-enter visitation. The

1. Knox, Works, ii. 202; History, ii. 291

2. Janet G. MacGregor, The Scottish Presbyterian Polity, 44-45.

3. Knox, Works, ii. 204-205; History, ii. 292-293; cf. Knox, Works, vi. 537; R.St.A.K.S. i. passim.

extent to which these rigorous requirements were fulfilled remains, however, a matter of conjecture; but Winram, for one, as superintendent of Fife, seems to have preferred a somewhat longer residence in St. Andrews to any prolonged visitations of his diocese.¹

The procedure adopted during visitations, as reflected in Spottiswoode's visitation of the Canongate, was for the Superintendent, by a process of removing ministers and elders in turn, to inquire whether any faults might be laid to their charge. Having scrutinised their performance and, likewise, the conduct of the congregation, the superintendent also participated in any disciplinary proceedings which the kirk session might have in hand.²

Such constant travelling required a considerable stipend and, according to the Book of Discipline, a generous five hundred merks and victual were assigned to each superintendent. The idea of equal stipends for all ministers was rejected on the grounds that "gif equall stipendis suld be appointed to all those that in charge ar so inequall, eather suld the one suffer penurie, or ellis suld the uther have superfluitie and too much." ³ Instead, by giving to each according to his need, the reformers hoped to arrive at a more equitable financial arrangement. While the Book of Discipline laid claim to the patrimony of the old church, it did not suggest that the superintendents should fall heir to the entire revenues of the bishoprics. Moreover, the bounds of their provinces were delineated

1. R.St.A.K.S. i. passim.

2. The Buik of the Canagait, 1564-1567, ed. A.B. Calderwood, 16, 32, 62.

3. Knox, Works, ii. 197; History, ii. 288

on a different basis from the old diocesan organisation. From the start, the reformers were careful not to identify the structure of the new church with that of the old. Had they wished to incorporate the organisation of the old church into the new, the reformers could well have urged (though with poor prospects of success before 1567) that protestant bishops be appointed to existing dioceses. The reformers' action, instead, would seem to afford sufficient proof that they wished to construct a new organisation in no way dependent on the old; and the appointment of superintendents to provinces whose boundaries were streamlined and rationalised to suit the reformers' requirements was completely consistent with such an approach.

Having committed visitation and the "planting" of churches to the superintendents' charge, it was logical enough that the church should likewise assign to superintendents an important part in the examination and admission of ministers, exhorters and readers.¹ The process of admission, contained in the Book of Discipline, consisted of election and congregational consent, followed by the approval of the candidate's qualifications by "the learned ministers" appointed to examine him. Whether a person could be admitted, in

1. Knox, Works, ii. 189ff.; History, ii. 283ff.

practice, without the superintendent's testimony is a matter on which the Book remains inexplicit. The requirement that examinations should be conducted by "men of soundest judgement" in the principal town of each diocese argues in favour of the superintendent's participation; and the necessity of obtaining the "declaratioun of the cheiff minister"¹ likewise suggests the superintendent's presence. Despite the lack of clarity in the Book of Discipline, which may indeed reflect its patchwork composition, it became standard practice in the following years for the superintendent, commissioner or visitor to supervise the examination and admission of minister, exhorters and readers. It was, thus, to superintendents and commissioners that patrons directed their letters of presentation, requiring that the superintendent or commissioner examine the presentee and admit him, if qualified, to the benefice.² After trial, the superintendent or commissioner gave the candidate collation and, likewise, ordained the presence of the ministers and readers of the province to witness the ceremony of institution, in which the newly presented minister received a Bible to symbolise his institution.³

The superintendent, also, succeeded to the consistorial jurisdiction previously exercised by bishops or their delegates in pre-reformation times. The immediate heir to such juridical powers

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1. The term "chief minister" was often used to denote a superintendent, see R.St.A.K.S. i. 74. The Book of Discipline, itself, describes superintendents as "cheiffest workmen", Knox, Works, ii. 195; History, ii. 287; cf. The Two Liturgies ... of King Edward VI., 170. The term, however, was not exclusively employed to denote a superintendent, see Knox, Works, ii. 149, 423; History, ii. 276, 107; B.U.K. i. 195.
 2. E.g. R.S.S. vi. no. 82; see A.P.S. iii. 23 c.7.
 3. See H.M.C. 5th Report, Appendix, 634

was, however, the kirk session and not the superintendent. As early as February 1559/60, before the appointment of superintendents, St. Andrews kirk session had assumed competence to give judgment on cases of divorce.¹ Nor was the session's jurisdiction in such matters confined simply to the parish of St. Andrews, for, in February 1560/1, a suppliant from St. Monance presented a divorce suit to St. Andrews kirk session on the grounds that "we are destitute of ministeris and eldares, and in sick cais, for justice to be haid in tymes bypast, hed ever recours to the said cietie of Sanctandrois as place of justice."² Kirkcaldy kirk session, on the other hand, when presented with a divorce suit, refused to judge the case unless commanded to proceed in the matter by the privy council; and when the petitioner referred the matter to the privy council, the case was referred not to Kirkcaldy but to St. Andrews kirk session.³

With the appointment of Winram as superintendent of Fife and Strathearn on 13 April 1561, cases of divorce were, thereafter, decided by the superintendent's court;⁴ but the kirk session, itself, does not seem to have entirely abandoned its former competence, for

1. R.St.A.K.S. i. 18-27

2. R.St.A.K.S. i. 64.

3. Ibid. 50-54.

4. Ibid. 58. In December 1561 Spottiswoode, the superintendent of Lothian, received a commission from the queen charging him "to do justice in the actioun and cause to be intendit before you at the instance of Margaret Dorbell against Johnne Forest hir pretendit spous conforme to the supplicatioun to be gevin in befor you thairupoun with all expeditioun according to Godis word as you will answer to God and us thairupon." S.R.O. GD1/371/1. fo. 95r. Warrender Papers.

on occasion, it gave judgment on divorce without the superintendent's participation.¹ Moreover, the assembly of July 1562 implicitly recognised the kirk session as the obvious and competent organ of the church for dealing with the question of divorce.² Very shortly afterwards, the assembly came to the conclusion that the church could "no longer sustene that burthen" and, thereafter, petitioned for the appointment of secular judges.³ As an interim measure, until the state could establish the appropriate machinery, the assembly reserved the right to superintendents alone to judge divorce suits. Ministers were, therefore, expressly forbidden "to cognosce and decide in actiouns of divorcement" and even the powers of superintendents were severely restricted to cases in which they received a "speciall commissioun, and betwixt speciall persons."⁴

In February 1563/4, the commissary court of Edinburgh was established,⁵ with competence to hear divorce suits from any part of the country. Consequently, in January 1565/6, when the superintendent of Fife "and his collegis, commissaris deput be the Generall Kyrk", attempted to act as judges in a divorce hearing, their jurisdiction was challenged on the grounds that:⁶

"bayth the contrackying of mariaige and divorciment
is provydit, be the King and Quenis Maieste and

1. R.St.A.K.S. i. 77-81

2. B.U.K. i. 19; Calderwood, ii. 193.

3. B.U.K. i. 23, 34; Calderwood, ii. 191, 226-227.

4. B.U.K. i. 30; Calderwood, ii. 209; S.R.O. CH2/448/1. Aberdeen Kirk Session Minutes, 10 December 1562; cf. Selections from the Ecclesiastical Records of Aberdeen, 11.

5. R.P.C. xiv. 304-306.

6. R.St.A.K.S. i. 257.

Secreit Consall, to be discussit and tryed befor the commissaris of Edinburgh, deput tharto, and tharfor the Superintendent nor his collegis, commissaris, awcht nocht no suld nocht sit nor proceid in this accion".

Such a trend towards secularisation continued unimpeded; and the church, itself, continued to petition the regent that commissaries be established throughout the realm.¹ In 1571 however, the church's attitude underwent a sudden change; for the assembly in that year advanced the claim that actions of divorce fell within the church's jurisdiction.² Such a question, however, remained largely unresolved for several years ahead.³

The power of excommunication was also invested in the superintendent's office;⁴ but, from the start, there was no indication that the superintendent should exercise any exclusive jurisdiction in this field. Spottiswoode's contention that ministers could not proceed to excommunicate without the superintendent's authority is misleading and liable to be misinterpreted.⁵ There is ample evidence in the 1560's that the power to excommunicate pertained to individual ministers in their sessions without the superintendent's participation.⁶ From 1573 onwards, however, there are indications of an emphatic trend towards centralising the power to excommunicate (and the corresponding power to

1. B.U.K. i. 146, 148; Calderwood, ii. 494, 497; R.P.C. ii. 7.

2. B.U.K. i. 187; Calderwood, iii. 40.

3. B.U.K. i. 371; Calderwood, iii. 392.

4. Knox, Works, vi. 449ff; R.St.A.K.S. i. 172, passim.

5. Spottiswoode, ii. 167.

6. Knox, Works, ii. 228-230; History, ii. 306-308; Works, vi. 449; Calderwood, ii, 424; R.St.A.K.S. i. 203-205, 274-276; B.U.K. i. 98-99, 145, 195, 272; Calderwood, ii. 491, cf. 530, 539; iii. 299.

absolve) in the hands of a bishop, superintendent or commissioner. The general assembly in August of that year, understanding that a number of excommunications had occurred "without due order of law", attempted to remedy the situation by introducing an act "anent the uniformitie to be observit in proces of excommunication", which, in effect, required the approval of a bishop, superintendent or commissioner before a minister could pronounce sentence of excommunication.¹

Another important aspect of the office was the diocesan synod which the superintendent convened twice yearly in April and October.² Composed of all the ministers of a province, together with an elder or deacon from each parish,³ the synod had competence to hear appeals from the kirk session and superintendent's court,⁴ had power to translate ministers,⁵ and elect collectors of thirds of benefices;⁶ and it became the body responsible for choosing ministers and commissioners of shires to attend the general assembly.⁷ There is little enough precise information on the operation of synods in late sixteenth century Scotland; and the earliest extant register of a synod, that of Lothian and Tweeddale beginning in April 1589, gives insight only into synodal organisation under the later presbyterian system.⁸

1. B.U.K. i. 283-284, cf. 358; Calderwood, iii. 299-300 cf. 365.

2. B.U.K. i. 29; Calderwood, ii. 208.

3. Ibid.; cf. Spalding Club Miscellany, iv. 63-64, (H.M.C. 5th Report, 635); Knox, Works, ii. 511; History, ii. 171.

4. B.U.K. i. 32-33; Calderwood, ii. 225; R.St.A.K.S. i. 334-335.

5. B.U.K. i. 29; Calderwood, ii. 208.

6. B.U.K. i. 162, cf. 178, 266; Calderwood, ii. 540, cf. iii. 2, 279.

7. B.U.K. i. 124; Calderwood, ii. 421.

8. S.R.O. CH2/252/1. MS. Synod of Lothian and Tweeddale Records.

Apart from consulting "upon the comon affaires of there diocies",¹ and the proclamation of fasts,² the superintendents in their synods also judged disciplinary cases of a particularly serious nature and dealt with persistent moral offenders.³ The jurisdiction of synods was somewhat widened in 1568, when the assembly referred a number of cases which had been brought before it to the synod that decisions might be reached at that level;⁴ and during assemblies of short duration, questions, on occasion, were remitted to synods for final resolution.⁵ Superintendents, of course, were not alone in convening synods, for in those areas where no superintendents had been appointed, commissioners, whose tenure of office existed only from one assembly to another, also exercised the right of holding synods.⁶

The superintendent's authority and jurisdiction were reinforced by the general assembly which not only enacted in 1562 that ministers must be subject to their superintendents "in all lawfull admonitiouns",⁷ but petitioned the queen and privy council that punishment might be had for anyone who disobeyed the superintendent's authority;⁸ and, in a specific case, made suit to the justice clerk that action be taken against particular individuals for

1. B.U.K. i. 29; Calderwood, ii. 208.

2. B.U.K. i. 193; Calderwood, iii. 35.

3. B.U.K. i. 189; Calderwood, iii. 34; R.St.A.K.S. i. 401.

4. B.U.K. i. 131, 191; Calderwood, ii. 423, iii. 41.

5. B.U.K. i. 361; Calderwood, iii. 367.

6. B.U.K. i. 162, 272, 316, 357, 364, 366; Calderwood, ii. 540, iii. 299, 364, 375.

7. B.U.K. i. 14-15; Calderwood, ii. 184-185.

8. Knox, Works, ii. 161, 342, cf. 344; History, i. 360, ii. 50, cf. 52; B.U.K. i. 8, 23; Calderwood, ii. 126, 191.



disobedience to superintendents.¹

At the same time, however, the superintendents were themselves subject in turn to the correction of their fellow ministers,² and, equally, were subordinate to the watchful eye of the general assembly which rigorously scrutinised their proceedings. Thus, when the commissioners and brethren of Fife, in 1563, laid before the assembly numerous charges against their superintendent, "the complainers war commended for there zeale in delating things worthie of redresse";³ and, on occasion, the assembly appointed ministers to investigate the substance of such complaints against superintendents.⁴ Superintendents and ministers alike were, therefore, equally liable to "fraternal correction".

If the reformers, thus, accepted the merits of individual oversight, they emphatically rejected lordship. At his election, for example, a superintendent was counselled to "usurpe not dominioun nor tyrranicall impyre over thy brethrein."⁵ This was in accordance with Calvin's precept that "no one should **dream** of primacy or domination in regard to the government of the Church."⁶ Martin Bucer, likewise, insisted that a superintendent or bishop ought to proceed only with the advice and assistance of his fellow presbyters.⁷ This Bucerian ideal was clearly reflected in the

1. B.U.K. i. 19; Calderwood, ii. 192-193.

2. Knox, Works, ii. 147, 207; History, ii. 275, 294; cf. B.U.K. i. 25; Calderwood, ii. 205.

3. B.U.K. i. 43; Calderwood, ii. 245.

4. Cf. B.U.K. i. 123; Calderwood, ii. 245.

5. Knox, Works, ii. 150; History, ii. 276.

6. Institutes, IV. iv. 4.

7. Scripta Anglicana, 67-69; Opera, xv. 118.

Scottish church, for in the Book of Discipline and acts of assembly careful provision was made that superintendents should seek the advice of the ministers of the province.¹ Such a principle was upheld in the complaint against the superintendent of Fife which came before the general assembly of March 1571/2, where it was laid to his charge that "he consulted not with the Minister and Elders touching things to be reformed".² During visitations, too, superintendents were often accompanied by "assessors" and in their synods, they were, likewise, required to take account of the views of their fellow ministers.³ Equally, it was permissible for an appeal against a superintendent's decision to be heard by the synod.⁴

The extent to which individual oversight can be equated with episcopacy is a subject which requires careful attention, for if the superintendent is to be identified with the godly bishop, then, of necessity must the commissioner, too, be seen as a bishop of sorts.⁵ The debatable ground between presbytery and episcopacy is, thus, considerably narrowed when it is recalled that a commissioner was by no means incompatible with a presbyterian structure.

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1. Knox, Works, ii. 189, 206-207; History, ii. 284, 293-294; Works, vi. 450; B.U.K. i. 75, 241, 284; Calderwood, ii. 302; iii. 300; R.St.A.K.S. i. 145, 151, 183, 184, 189, 221, 229, 233 and passim.
 2. B.U.K. i. 237; Calderwood, iii. 208.
 3. B.U.K. i. 193; Calderwood, iii. 35; cf. B.U.K. i. 266; Calderwood, iii. 280; for assessors, see Knox, Works, vi. 450; R.St.A.K.S. i. 257; B.U.K. i. 161; Calderwood, ii. 540; cf. Calderwood, ii. 424; cf. B.U.K. i. 17, 19, 113; Calderwood, ii. 186, 394; C.S.P. Scot. i. no. 1136.
 4. R.St.A.K.S. i. 334-335.
 5. See below, 173-181, 187-197.

Chapter 4

THE GENERAL ASSEMBLY

"For preservatioun of the holie Ministrie and Kirk in puritie, the Lord hes appointit Assemblies and Conventiouns, not only of the persons of the Ministrie, but also of the haill members of the Kirk professing Chryst; The quhilk Kirk of God hes continuallie usit, and uses the same Assemblies, sanctified be the word of God, and authorized be the presence of Jesus Chryst."

(General Assembly, March 1573/4; B.U.K. i. 292; Calderwood, iii. 305).

Of Scotland's institutions which have survived, the general assembly has proved one of the most enduring and flourishing. Yet few institutions at their creation have possessed a less assured, more precarious future than the assembly which, in its origins, remains both indeterminate and enigmatic. As the highest court of the church, the assembly corresponded to parliament as the supreme court of the state. The assembly, however, derived its power not from any earthly authority but from the kingship of Christ the Mediator. In this sense, the assembly represents the "church" as distinct from the "state" for in post-reformation Scotland church and state did not become one. It is at least an interesting observation, therefore, that throughout their proceedings the reformers in no way suggested that the assemblies were in any sense dependent upon the prince's consent.¹

1. In the period prior to the "Black Acts" of 1584, assemblies were summoned without reference to the king's consent. The normal method was for the assembly itself to decide the date
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Their attitude was rather that the church as an expression of the visible body¹ or kingdom² of Christ was not amenable to human judgment since it existed by divine right and was thus directed not according to the prince's dictates but by the guidance of the Holy Spirit.³

The assembly, as the supreme ecclesiastical court and final court of appeal,⁴ co-ordinated the activities and organisation of the church at a national level. In composition, the assembly consisted of representatives from all the estates of the Christian community "as members of ane body, concurreand voteand and authorisand in all things" concerning the church's welfare.⁵

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of its next meeting, e.g. B.U.K. i. 7, 24, 64, 99, 133, 183, 186, 362, 391 et passim. In special circumstances, however, the assembly authorised Knox and the ministers of Edinburgh to intimate the date for the next assembly, e.g. B.U.K. i. 38, 64, 313, 330, 570, 584, 606, 785; Knox, Works, ii. 414-415; History, ii. 101; cf. Works, ii. 395-397; History, ii. 88-9. The regent's proclamation for an assembly to meet in October 1572 to discuss the Catholic menace at home and abroad was exceptional; (R.P.C. ii. 168-9, B.U.K. i. 250-4; Bannatyne, Memorials, 271-3, 276-9) and Throckmorton's report to Elizabeth that the assembly of July 1567 was "reassembled by the Kynges authority" (Knox, Works, vi. 555) is unsubstantiated (see B.U.K. i. 99). His statement doubtless reflects the events surrounding the deposition of Mary and the accession of her infant son, (cf. Knox, Works, ii. 563; History, ii. 213) but his phraseology strongly suggests a lack of familiarity with Scottish practice.

1. Cf. Knox, Works, ii. 108; History, ii. 265; Works, vi. 449.
2. Cf. Spalding Club Miscellany, iv. 89, 93.
3. B.U.K. i. 292; Calderwood, iii. 305-6; see also Calderwood, iii. 306-307.
4. B.U.K. i. 33; Calderwood, ii. 225.
5. Cf. B.U.K. i. 292; Calderwood, iii. 305.

The superintendent seems at first to have been individually responsible for selecting the ministers who were to attend the assembly,¹ but in 1568 (when the assembly may have undergone some kind of reconstruction) the synod was to choose the ministerial members for the province;² in the election of other commissioners the superintendent's duty merely consisted of "warning" them to be present.³ Town councils, therefore, possessed the right to choose commissioners for the burghs⁴ and there is good reason to suppose that this was done with the approval of the kirk session⁵ for it appears that preference was given to those councillors who were also members of the kirk session.⁶ From

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1. B.U.K. i. 14; Calderwood, ii. 184.
 2. B.U.K. i. 124; Calderwood, ii. 421.
 3. B.U.K. i. 36.
 4. Edinburgh Burgh Records, iii. 138, 161, 175, 226; iv. 167; Stirling Charters, 211, 220.
 5. B.U.K. i. 124; Calderwood, ii. 421; see also B.U.K. i. 7; cf. Edinburgh Burgh Records, iv. 167. The sederunts of the assembly refer to "commissioners of towns and kirks", e.g. B.U.K. i. 65, 77, 82, 112, 123, 132, 134, 141, 157, 203; cf. Knox, Works, vi. 552, and to "commissioners of shires and kirks", B.U.K. i. 46, 52, 57.
 6. Cf. S.H.S. Miscellany, viii. 105. It is, for example, evident that Robert Pont and David Spens who attended the assembly of December 1560 as commissioners for St. Andrews, (B.U.K. i. 3) had been appointed elder and deacon respectively of St. Andrews kirk session for the year 1560-61, (R.St.A.K.S. i. 4). In that assembly Pont was judged suitable for "ministreing and teaching", (B.U.K. i. 4) but in June 1562 he appeared in the assembly as "elder and commissioner of St. Androes", (*ibid.* 13). Similarly, William Cook and William Scott who were present in the assembly of June 1563, apparently as commissioners from St. Andrews, (B.U.K. i. 36) were elders of the kirk session for the year 1562-63, (R.St.A.K.S. i. 4). Cook was again commissioner in March 1574/5, (B.U.K. i. 320) and likewise elder of the session, (R.St.A.K.S. i. 399). On the other hand, in March 1573/4, Alexander Sibbald who was commissioner for St. Andrews, (B.U.K. i. 297) was not a current member of the session - though he had been an elder in 1571-72, (R.St.A.K.S. i. 382). In August 1572 Nicol Uddart and John Johnston attended the assembly as commissioners for Edinburgh, (Bannatyne, Memoriales, 245) and when the surviving Edinburgh general session records begin in 1574 both Uddart and Johnston were elected elders, (S.R.O. CH2/450/1. MS Edinburgh General Session Records, 28 October 1574; cf. Maitland Club Miscellany, i. pt. i. 107). For a further discussion of this subject, see below, Chapter 7, 305ff.

the outset, the procedure whereby the commissioners of shires were elected to the assembly remains obscure. In 1567, the assembly simply addressed letters missive "to all and sundrie erles, lords, barrons, and utters brethren" requiring their attendance,¹ but there may have been special circumstances surrounding the adoption of such a procedure for the next assembly was appointed to meet at short notice the following month.² It was not, however, till 1568 that the assembly attempted to define the method of election by enacting that commissioners of the shires should be elected, along with the ministers, at synods "be consent of the rest of the ministers and gentill men that sall convene at the said synodall conventioun".³ The method employed in the preceding period for the nomination of shire commissioners thus remains conjectural but it is conceivable that they may have been elected at a convention of barons.⁴

The universities were likewise expected to choose their own representatives, for when it was laid to the charge of the superintendent of Fife in 1575 that no commissioners from St. Andrews

1. B.U.K. i. 93; cf. 93-95; Calderwood, ii. 368-370.

2. B.U.K. i. 93, 99, 100; Calderwood, ii. 368, 377.

3. B.U.K. i. 124; Calderwood, ii. 421.

4. It has been said that "it is certain that the majority of barons and lairds were not elected from their own number within a certain area, nor were they elected by a group of churches as there was no machinery for such elections, and none was commissioned by synodical courts. They attended, as they had done in the Parliament of 1560, in their own right", (D. Shaw, General Assemblies, 108). If, however, people attended of their own accord, then it is clear they were not commissioners. Little information is available on barons' conventions, but in 1593, an admittedly late example, St. Andrews presbytery appointed three of its members to attend a convention of barons at Cupar, (MS St. Andrews Presbytery Records, 29 November 1593; see also ibid. 28 October 1596, 6 March 1600; Melville, Diary, 311).

university were present at the assembly, the superintendent replied that it was not his duty to name university commissioners and that the university had in any event nominated Mr Robert Hamilton, their minister, as commissioner.¹

In addition to the foregoing commissioners, it was also customary for members of the nobility and officers of state to attend meetings of the assembly;² and there is evidence that privy councillors likewise took part in its deliberations on several occasions.³ Considerable importance was obviously attached to their attendance for the assembly of December 1568 went so far as to

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1. B.U.K. i. 334; I am grateful to Mr R. N. Smart, St. Andrews University, for the following information from the rector's book on the election of a commissioner to the assembly from St Andrews University:

23.2.1569 university commissioner elected.

27.2.1569 expenses of commissioner - John Rutherford elected.

4.7.1577 James Wilkie to attend at Stirling.

4.7.1579 Commissioner to be elected by university - referred to the rector and assessors.

2. Of the twenty three assemblies, or continuations of assemblies, which met between December 1560 and March 1570/1, members of the nobility are recorded in the admittedly defective acts of assembly as having been present at nine assemblies:-

December 1563: B.U.K. i. 38; Calderwood, ii. 241.

June 1564: B.U.K. i. 46, 48, 49; Calderwood, ii. 281, 282; Knox, Works, ii. 421; History, ii. 106.

June 1566: B.U.K. i. 77; Calderwood, ii. 321; Knox, Works, ii. 531; History, ii. 187.

June 1567: B.U.K. i. 93.

July 1567: B.U.K. i. 100, 110; Calderwood, ii. 368, 382; Knox, Works, ii. 565; History, ii. 215; Row, History, 33.

December 1567: B.U.K. i. 112.

July 1568: B.U.K. i. 123.

March 1569/70: B.U.K. i. 157.

July 1570: B.U.K. i. 175.

Knox, however, records their presence at the assemblies of June and December 1565, though this is not indicated in the truncated acts of the assembly. (Knox, Works, ii. 484, 517; History, ii. 148, 174; cf. Row, History, 26).

3. C.S.P. Scot. ii. no. 44, (Knox, Works, vi. 537); B.U.K. i. 35, 38, 66, 77, 181-2; Calderwood, ii. 227, 241, 301, 321.

describe their presence as "verie requisite for setting forward the affaires of the Kirk",¹ and in an attempt to secure their regular presence, the general assembly repeatedly petitioned the regent and privy council for their participation.² Such appeals met, however, with but limited success; and in 1568 the assembly attempted to define and regularise its composition in an act which was designed apparently to limit attendance to individuals with specific commissions. In effect, the right to attend and vote was to be confined to superintendents, visitors, ministers and commissioners from the burghs, shires and universities; and it was specifically stated in the act that no one would be admitted to the assembly unless they could present a written commission.³

For its inception the general assembly thus exhibited in its composition all the characteristics of a meeting of the three estates of the realm.⁴ What is more difficult to discern, however, are the exact reasons which lie behind the reformers' establishing such a body as the assembly in the first place. Various speculations have been made on its origins; and, as a result, the assembly has been interpreted either as an attempt at ecclesiastical independence or alternatively as a substitute for the royal supremacy and a device whereby the magistracy governed the church in the absence of a godly prince.

Contemporaries, however, justified the creation and existence of the general assembly on rather different grounds. In their

1. B.U.K. i. 133.

2. Ibid. i. 46, 93, 133.

3. B.U.K. i. 124; Calderwood, ii. 421; Spottiswoode, ii. 92-93.

4. Cf. B.U.K. i. 292; Calderwood, iii. 305.

Confession of Faith, the Scots declared that the purpose of summoning a general council or "generall assemblie" of the church in times past was "partlie for confutatioun of heresy, and for geving publict confession of thair faith to the posteritie following" and also "for good policie and ordour to be constitut and observed in the Kirk".¹ Bullinger had likewise described general councils of the church as "synods or assemblies of bishops and holymen, meeting together to consult for keeping the soundness of faith, the unity of doctrine and the discipline and peace of the church";² and Knox himself, like Beza,³ seems to have regarded as identical the functions of general councils and general assemblies, for he emphatically justified the continued existence of the latter on the grounds that the assembly's object was the preservation of true religion and sound doctrine.⁴ The prospect of further general councils governing the life and action of the church universal was, of course, eclipsed with the reformation; and in such circumstances, with the organisation of national churches, prevailing protestant theory held that "every provincial church, even without the bidding of a general council, has power either to establish, or change or abrogate ceremonies and ecclesiastical rites, wherever it may seem to make for edification".⁵

Within Scotland itself some envisaged council over the whole church was implicit in the Book of Discipline,⁶ and it would appear,

1. A.P.S. ii. 532; Knox, Works, ii. 113; History, ii. 267-268.

2. Bullinger, Decades, i. 12.

3. Cf. S.H.S. Miscellany, viii. 107-8.

4. Knox, Works, ii. 296; History, ii. 26.

5. Jewel to Peter Martyr, 20 March 1559, Zurich Letters, i. 11.

6. Knox, Works, ii. 190-1, 208, 206; History, ii. 284-5, 295, 305.

moreover, that Knox equated the general assembly as such with the Book of Discipline's "gret Counsall of the Churche".¹

In tracing the assembly's genesis, it is also a fact of considerable importance that the first general assembly appears to have met not in December 1560 but in the preceding July.² Accordingly, the assembly's origins are not necessarily to be associated with repercussions in Scotland following the death of Francis II on 5th December and the subsequent return of the ungodly Mary to her native land. In other words, the assembly was not devised and did not come into being simply as a substitute for the godly prince which the Scots so obviously lacked. Its birth is rather to be sought in that earlier period during which Scotland possessed a government favourably disposed to the reformed cause in the godly great council of the realm. It is significant, therefore, that from the start the reformers did not place the church's future in the keeping of the godly government. Nor did they vest supreme authority in the privy council or parliament. Indeed, the first assembly itself met in advance of the August parliament and had as its object the regulation of church affairs. The creation of such a body clearly enabled reformers to provide the church with a unified central authority which could act on the church's behalf. In this sense, the assembly was not so much a meeting of the godly magistracy but rather represented the Congregation or community

1. See Knox, Works, ii. 295-6; History, ii. 26.

2. See above, 30-31. Further testimony that the meeting in July ought to be regarded as the first assembly comes from Spottiswoode who states that it was the general assembly which translated Row from Kennoway to Perth; and we know from other sources that Row was in fact translated to Perth in July 1560. (Spottiswoode, ii. 274; Knox, Works, ii. 87; History, i. 334; Calderwood, ii. 11; cf. Fasti, iv. 229; v. 91).

of believers gathered together to plan and determine the church's future in a capacity quite independent of the civil power. The assembly's very existence translated into practice the doctrine of the royal priesthood of believers and provided a means and outlet for the Christian community's participation in the government of the church at the highest level. It is difficult to escape the conclusion, therefore, that from the beginning the reformers conceived the assembly as an autonomous ecclesiastical body in no way connected with the machinery of the state. The ministers' insistence that they should have no part in civil affairs effectively excluded them from a voice in parliament. Accordingly they did not petition, as did the lairds, for representation in the reformation parliament.

As the governing body of the church, the assembly also decided the legislation which the church required in order that parliament, as the organ of the state, might implement and enforce it. Calvin himself went so far as to claim that the "spiritual power" of the church comprehended the right to enact its own legislation.¹ Knox, however, had stated as early as 1550 that it belonged to Christ "to mak and statute lawis" and that it pertained to the "Kirk of Jesus Chryst to advert what he speiketh" and "to receave and imbrace his lawis".² Melville, in turn, it may be added, later declared in 1584 that:³

"it perteaneth not to the prince ather to prescrive religioun to the kirk or discipline to the pastors therof, but by his authoritie to confirme both the one and the other, appointed by God, and sincerelie

1. Institutes, IV. viii. 1; for Beza's views, cf. S.H.S. Miscellany, viii. 108.

2. Knox, Works, iii. 41

3. Calderwood, iv. 165.

declared out of his Word by the ministrie of his servants".

In Scotland, therefore, the legislative power of the church came to be invested in the general assembly while what might be called the "executive power", on the other hand, was entrusted to the state in the sense that the latter was expected to execute and uphold that which the church deemed necessary for its wellbeing. If in England under the Tudors ecclesiastical initiative lay essentially with the crown, it should be recalled at the same time that convocation had historically existed as "an independent legislative body for ecclesiastical purposes" over which the sovereign had little direct control apart from the right of refusing to enforce observance of the canon enacted.¹ The general assembly in Scotland occupied a similar autonomous position and there was indeed no sound reason why the church should abdicate its responsibilities to the crown and parliament. Parliament itself was far from being an omnicompetent body and had its rivals not only in the assembly but in the privy council, court of session and convention of royal burghs.

As the "Church National",² the general assembly corresponded to national synods in other protestant countries. In discussing the assembly's origins, therefore, the example of the French reformed church cannot be lightly dismissed, for while detailed procedure and practice differed, surprising similarity existed between the structures of the two churches. Each established a

1. E.T. Davies, Episcopacy and the Royal Supremacy in the Church of England in the XVIth Century, 68. For a discussion of convocation's medieval origins see D.B. Weske, Convocation of the Clergy, (1937).

2. Knox, Works, ii. 484; History, ii. 148.

ministry which included elected elders and deacons and each likewise placed the government of the church in a concentric series of church courts. The functions of the Scottish assembly and the French national synod were comparable, the proceedings of each were presided over by a moderator appointed for the occasion and each was invested with final supervision and supreme power over the church.¹

Knox, for one, had travelled through France on his way to Geneva,² and between 1554 and the spring of 1559 he had frequently stayed in Dieppe³ where he could scarcely have failed to take account of the situation in France. Early in 1558, he had paid a visit to La Rochelle⁴ and had passed through Lyons⁵ on his return. Knox, moreover, had declared in 1560 that he had "great intelligence" with the French church⁶ which strongly suggests an intimate knowledge of French practice and a keen interest in the development of the French reformed church. In any event, it is clear that the possibility of close contact between the two churches cannot be ignored and the similarity of scope in the polity of either church would suggest, if not conscious imitation by the Scots, certainly a common source, possibly emanating from Geneva, which provided a pattern and example for the organisation of

1. See Appendix I.

2. Knox, Works, i. 253-4; History, i. 123-4.

3. Knox, Works, i. 232, 269, 272; History, i. 111, 133, 136; Works, ii. 15; History, i. 282; Works, iv. 71, 275, 286, 347; vi. 11, 20, 21.

4. Row, History, 9.

5. Knox, Works, iv. 245.

6. Knox, Works, ii. 137; History, i. 351.

either church.

The very existence of the general assembly was from the outset an obvious potential threat to Mary's government; and the queen and her secretary were not slow to realise the political advantages which the government might reap were the assembly dissolved and forbidden to convene. In December 1561, the government thus maintained "that it was suspitious to Princes that subjectis should assemble thame selffis and keape conventionis without thair knowledge";¹ and in December 1563, Lethington went so far as to contend that "we haif no neid of sick convocatiounis as sometimes we haif had."² In reply to such provocative assertions, Knox stoutly defended the church's fundamental right to convene its own assemblies and in 1561 he thus declared:³

"tack from us the fredome of Assemblies, and tack from us the Evangell; for without Assemblies, how shall good ordour and unitie in doctrine be kept?"

Returning to this theme in 1563, Knox once more insisted that "albeit there ware no great daunger, yet cannot oure assemblie be unproffitable; for many thingis requyre consultation, quhilkis can not be had, onles the wysest and godliest conveyin."⁴ Nor is it possible to contend that Knox's statements were applicable only for the duration of Mary's reign and that thereafter the way would be open for a future godly monarch to assume supreme headship of the church. In an act of December 1567, designed to regulate the

1. Knox, Works, ii. 296; History, ii. 26

2. Knox, Works, ii. 405; History, ii. 95

3. Knox, Works, ii. 296; History, ii. 26.

4. Knox, Works, ii. 397; History, ii. 89.

procedure governing the admission of candidates to benefices, parliament itself invested the right of patrons in disputed cases to appeal to the synod and then finally to the general assembly¹ and not, as might have been expected, to the court of session or privy council; and in 1572 newly created bishops were required to acknowledge their submission and subordination to the general assembly in spiritualibus² which hardly suggests that contemporaries gave serious consideration to the hypothesis that the assembly had outlived its usefulness.

Further testimony that the church itself regarded the assembly as an absolute necessity and an integral part of its constitution even under a godly prince came in the aftermath of the civil war when in March 1573/4 the church advanced the claim that:³

"For preservatioun of the holie Ministrie and Kirk in puritie, the Lord hes appointit Assemblies and Conventiouns, not only of the persons of the Ministrie, but also of the haill members of the Kirk professing Chryst: The quhilk Kirk of God hes continuallie usit, and uses the same Assemblies, sanctified be the word of God, and authorized be the presence of Jesus Chryst."

Such an emphatic declaration of divine right is by no means without parallel in the period for in the same year, before Andrew Melville's return to Scotland, a commissioner of the church again insisted that "we are conveened at commandement of our Master and Head of the kirk, Christ Jesus, who hath commanded, when his kirk was in anie trouble, the members therof to conveene, and sett the kirk at rest and quietnesse, and purge the same of all filth and

1. A.P.S. iii. 23. c.7

2. B.U.K. i. 209; cf. Bannatyne, Memoriales, 224; Calderwood, iii. 172.

3. B.U.K. i. 292; Calderwood, iii. 305.

corruptioun."¹ Such forceful language in favour of the general assembly's continuation militates against any suggestion that the church believed the assembly was designed to act only as a temporary expedient or that it would automatically transfer its sovereignty to the crown in parliament on the accession of a godly prince. Indeed, it would appear that as late as 1584, when the Arran regime suppressed meetings of the assembly, the conservative and veteran ecclesiastical statesman, Erskine of Dun, employing the full weight of his standing in church and state, earnestly besought the king to allow assemblies to convene as they had done in the past.²

It is evident, therefore, that the assembly's existence was justified not merely on the grounds of expediency, namely that a future sovereign, as Glamis indicated, might conceivably prove hostile to the protestant cause.³ Justification for its continuation sprang rather from the fundamental principle, premise and conviction that the general assembly was divinely ordained and should therefore continue irrespective of the prince's religion. That such a claim for the assembly's independence and continued existence should be advanced before Andrew Melville even set foot in Scotland is a matter of some considerable importance; and it is clear that in his wholehearted support for the general assembly, Melville did little more than uphold existing thought within the church.⁴

1. Calderwood, ii. 307.

2. H.M.C. 5th Report, App. 636.

3. S.H.S. Miscellany, viii. 105.

4. See below, 302.

If some were emphatic enough, both in theory and practice, in favour of the continued existence of the general assembly, other informed opinion was noticeably less sympathetic. The regent Morton, in particular, as part of his policy of "conformity with England", was anxious to subordinate the assembly to the machinery of state; and, as one critic observed, his dislike of assemblies was such that he "wald haiff haid the name thairof changit, that he might abolishe the previlage and force thairof".¹ Accordingly, in 1574, Morton resurrected the old arguments advanced by queen Mary and Maitland of Lethington that the assembly constituted an illegal convocation of the king's lieges;² and, in the same year, appointed an ecclesiastical committee of the privy council to which the assembly was required to remit certain matters for final judgment.³

In keeping with his attempts to reduce the assembly's status, Morton repeatedly refused to attend assemblies and declined moreover to send any representatives. His intention was rather that the assembly should send commissioners to discuss matters with himself and the privy council.⁴ It was perhaps indicative of his intentions that in March 1572/3, Morton should ask to see the acts of assembly that he might inspect them and decide "how many of them be perpetuall, and how many temporall";⁵ and, three years later, in October 1576, the outcome of his investigations became all too

1. Melville, Diary, 61.

2. Calderwood, iii. 306.

3. R.P.C. ii. 346-349, 434-435.

4. E.g. B.U.K. i. 365, 392-394.

5. B.U.K. i. 262.

apparent when the privy council went so far as to describe an act of assembly as "bot prevat, na publicatioun being maid thair of, nor yit authorizit be Parliament as it aught to be befoir it tak effect; and thairfoir is null."¹ Again, in November 1576, the privy council likewise concluded that the Convention of Leith was but a "prevat constitution" and "pretendit ordinance".² Furthermore, in August 1579, the council provocatively declared that the deposition of a reader by a commissioner of the church was based on no "law or custume yet ressavit within this realme"³ and, in the following November, discharged the commissioner from further proceedings against the reader "becaus this mater is thocht to be civile."⁴

Morton's novel policies did little or nothing to solve the basic issue of church-state relations. His attempts to reduce the church to a mere department of state did nothing to improve the already deteriorating relations between the two jurisdictions; and many of the solutions which he offered rather aggravated the problems and initiated a period of controversy which was to prove a dominating theme in Scottish ecclesiastical and political history for a hundred years and more. But with Morton's resignation in March 1578, the way was again open for new relations to develop between church and state; and in the following April, only a few weeks after Morton's fall from power, the privy council once more

1. R.P.C. ii. 560; B.U.K. ii. 381.

2. R.P.C. ii. 565.

3. Ibid. iii. 209-10.

4. Ibid. 237.

agreed to the assembly's request that commissioners in the king's name should "assist the Assemblie with thair presence and counsell".¹

Throughout the period under discussion, the composition of the assembly for various reasons showed signs of fluctuation; and it is evident that just as some assemblies lacked commissioners from the king so too did others lack representatives from every estate of the realm. This is indicated not only in the assembly's overtures to the nobility and baronage requesting their presence,² but is revealed in the petition of the synod of Lothian in March 1572/3 that the assembly might consist of nobles and barons as well as ministers "that the face of the Assembly may be had in reverence as in foir tymes".³ Indeed in his letter of April 1576, lord Glamis suggested to Beza that the assembly as "a gathering of nobles and laity seems to some to be unnecessary under a godly prince, because it was accepted a few years ago, by custom alone and not by any particular law, under a sovereign hostile to the faith".⁴ This was certainly a proposition to which Morton, as regent, had wholeheartedly subscribed; but prevailing opinion, however, favoured the opposite viewpoint, namely, that the assembly was "decidedly necessary to wit that the nobles, advancing the faith with all zeal and effort, may be present in assemblies as assisters and helpers to the ministers and bear witness to

1. B.U.K. ii. 404-6; Calderwood, iii. 399.

2. E.g. B.U.K. i. 133, 363, 391; ii. 418; Calderwood, iii. 363, 382, 427.

3. B.U.K. i. 265; Calderwood, iii. 279.

4. S.H.S. Miscellany, viii. 105.

others with regard to their own life, the morals of the people and so on".¹

In practice, representatives from the nobility and baronage continued to frequent assemblies and accordingly the assembly's traditional composition remained basically intact and unaffected.² In short, there is no indication that the assembly showed signs of exhaustion or collapse; and looking ahead, it may also be noted that, as late as 1590, James VI in a speech addressed the assembly as his "good people, ministers, doctors, elders, nobles, gentlemen and barons", conclusive proof that the assembly still consisted of a gathering of the three estates.³

The general assembly, in effect, consisted of "the haill members of the Kirk professing Chryst" or, at least, of representatives for "all members therof in all Estates".⁴ Descriptions of its composition vary, and some actually give first place to the privy council as a constituent element, but, at any rate after 1568, when the assembly seems to have undergone some reconstruction, the ministry constituted the central if not the dominant element. A petition to the assembly in 1571 was accordingly addressed to the "superintendents, ministers and kirk of God presently assembled within this burgh for reformation";⁵ and in the same year Knox himself referred to the general assembly as "the Assemblie of Christian ministers".⁶ It may be true that

1. Ibid.

2. For the continued attendance of members of the nobility, see B.U.K. i. 243, 269, 286, 314, 407, 419, 704-5, 741, 744, 762ff; cf. Melville, Diary, 76, 136, 269. Lairds were present at most if not all assemblies either in their capacity as "barons" or as "commissioners of shires"; and some figured prominently as members of the various assembly committees, B.U.K. passim.

3. Calderwood, v. 106; see also Appendix II.

4. Cf. B.U.K. i. 292; Calderwood, iii. 305.

5. Bannatyne, Memoriales, 92, 94.

6. Calderwood, iii. 50.

on various occasions the ministers were numerically outnumbered by other participants - particularly in those earlier assemblies when the church was seriously understaffed - but it is doubtful if the latter's influence outweighed or exceeded that of the former, for, as interpreters of scripture, the ministers alone could command special attention; and in the assembly itself the ministers were described as the very "mouth of the kirk".¹ Ministers alone were elected to the influential office of moderator,² were almost exclusively chosen to act as assessors to the moderator, with the important role of determining the agenda of assemblies and they also predominated on the various committees established by successive assemblies. In the proceedings of the earlier assemblies, we hear wonderfully little of lay initiative or lay participation. Indeed the attendance of members of the nobility in several assemblies was described as merely for the "assistance of the mynisteris"³ and, in April 1576, Glamis in his letter to Beza referred to the nobles' presence in assemblies as "assistants and helpers to the ministers"⁴ which hardly suggests that the nobles' influence was allowed to predominate; and the privy council was likewise only requested "to assist the Assemblie with their

1. B.U.K. i. 84.

2. While not a minister of word and sacraments, Buchanan's tenure of the office of moderator in the assembly of June 1567 (B.U.K. i. 93) could be justified on the grounds that he held the office of doctor or schoolmaster and as such had especially close links with the ministry.

3. Knox, Works, ii. 421; cf. 484, 517, 531; History, ii. 106, 148, 174, 187.

4. S.H.S. Miscellany, viii. 105.

presence and counsell".¹ Such language hardly argues in favour of effective secular or state control over the church and in practice the initiative in assemblies clearly lay with the superintendents and ministers who effectively controlled all proceedings in matters ecclesiastical.

1. B.U.K. i. 46; ii. 404; Calderwood, iii. 399.

Chapter 5

TWIN PILLARS OR TWO KINGDOMS

"There is a spirituall jurisdiction and power which God hath given unto his kirk, and to these who beare office therein; and there is a temporall power givin of God to kings and civill magistrats. Both the powers are of God, and most agreing to the fortifeing one of another, if they be right used."

(Erskine of Dun, 1571; Calderwood, iii. 158).

The role of the church in society and, in particular, the relationship between church and state, or more exactly the relation between civil and ecclesiastical government, presents an historical problem which has confronted Christians down through the ages and one, moreover, which admits of no easy solution. With the reformation and the disintegration of Christendom, the issue was raised in a particularly acute form. Luther, at certain stages in his thought, appears to have drawn a clear distinction between spiritual and political authority, though in the end he was forced to fall back on the support of the territorial princes to whom he entrusted the task of organising the church, and whose control eventually extended even into spiritual affairs. As a consequence, Lutheran churches came to be organised along Erastian lines, subordinated to the prince, who as summus episcopus exercised supremacy over them.¹

Zwingli, on the other hand, developed a somewhat more positive concept than did Luther of the visible church and of its role in society. In Zurich, Zwingli's ideal was that of a theocracy. His

1. Cf. W.A. Mueller, Church and State in Luther and Calvin; R.E. Davies, The Problem of Authority in the Continental Reformers.

intention was not to create for the church an autonomous jurisdiction or a disciplinary machinery independent of the city authorities but rather to achieve the closest possible co-operation between the civil and ecclesiastical authorities in which the godly magistrate along with Zwingli, the prophet, might participate together in the government of a godly commonwealth. Having placed his faith in the godly magistrate, Zwingli thus assumed the theoretical identity of the visible church with the political community of Zurich.¹

Calvin, however, in his analysis of the problem, represents a different approach and provides a different solution. Since all power and authority ultimately resides in God, Calvin postulated the existence of two divinely ordained institutions of church and state, each of which possessed a sovereignty distinct and independent from the other. More than any other reformer, Calvin provided a systematic exposition of the institutional form which he believed the visible church should assume. "Our Lord has instituted for the government of His church", Calvin declared, the four ministries of minister, doctor, elder and deacon, and accordingly "if we would have the church well ordered and maintain it in its entirety, we must observe that form of rule".² Rejecting the proposition that an established church under the rule of a godly magistrate had no need for a separate ecclesiastical jurisdiction, and upholding instead the ideal that "the church cannot dispense with the spiritual jurisdiction which existed from the beginning",³ Calvin emphatically

1. R.C. Walton, Zwingli's Theocracy.

2. Calvin, Opera, x.15-17; (Heyer, 261-2).

3. Calvin, Institutes, IV. xi. 3-4.

insisted upon the necessity of an independent disciplinary authority based on the eldership.¹ It is at this point when the control of the church reformed had passed from pope to prince and city magistrate that Calvin's importance can be perceived. By recognising that Christ rules His church through the preaching of the Word, and by reasserting the authority of the spiritual ministry which was the very instrument through which Christ "exhibits himself as in a manner actually present by exerting the energy of His Spirit in this His institution",² Calvin firmly and squarely committed the church's external government to the ministry,³ with its elected office-bearers, not that the ministers themselves might rule but that through "the gift of interpretation",⁴ which they alone possessed, the word of God might be revealed and proclaimed so that Christ Himself in a very real sense would rule the church's life and thought.

Such an interpretation of the relationship which ought to exist between ecclesiastical and temporal government based on their mutual autonomy clearly marks a distinct departure from Zwingli's position in Zurich, having more in common with Oecolampadius in Basel who by 1530 had sought to create an autonomous ecclesiastical jurisdiction which included the restoration of excommunication,⁵ or with Bucer, whose constitution for Hesse was founded upon a clear distinction between the two jurisdictions.⁶ Calvin's ideal was

1. Ibid. IV. xi. 6

2. Ibid. IV. iii. 2; cf. IV. iii. i.

3. E.g. ibid. IV. vi. 10.

4. Ibid. IV. xvii. 25; IV. iii. 1.

5. McNeill, op. cit. 80ff; Emile Leonard, A History of Protestantism, i. 146ff.

6. Leonard, op. cit. 195.

itself never fully implemented in Geneva. He was forced to make concessions. But through his determination and perseverance, the substance of his thoughts was translated into practice. The foundation of Calvin's system lay in the autonomy of the two jurisdictions, and while each owed the other assistance in the pursuit of their common objective, the rule of God on earth, nevertheless their functions remained distinct, endowed with a separate sovereignty, and were not to be confounded.¹

In Tudor England, however, where a strong centralised monarchy had developed, the governmental and official Anglican standpoint had resulted in a rejection of Calvin's dichotomy of minister and magistrate, the rejection, that is, of the existence of an absolutely sovereign and independent ecclesiastical jurisdiction. Instead, the potestas jurisdictionis, including the ius liturgicum, which the church possessed was conceived as derivative from and dependent upon the authority of the crown of England, and while there were of course distinct ecclesiastical courts for the administration of discipline, these courts were not separate or autonomous, in the Calvinist sense, for they owed their jurisdiction and indeed their very existence to no authority other than that invested in the crown. The Henrician act for the restraint of appeals had declared that all jurisdictions, spiritual as well as temporal, emanated from the king,²

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1. J.T. McNeill, The History and Character of Calvinism; F. Wendel, Calvin; R.S. Wallace, Calvin's Doctrine of the Word and Sacraments, chaps. vii-ix; T.F. Torrance, Royal Priesthood, 88-108.
 2. 24 Henry VIII. c. 12, quoted in E.T. Davies, Episcopacy and the Royal Supremacy in the Church of England in the XVI Century, 61. On this theme see also, in general, J.V.P. Thompson, Supreme Governor, and F.J. Smithen, Continental Protestantism and the English Reformation.

and the act of supremacy had of course underlined this basic concept, endowing the prince with those non-priestly powers previously exercised by the pope.¹ Archbishop Cranmer was himself equally emphatic that "all Christian princes have committed unto them immediately of God the whole cure of all their subjects, as well concerning the administration of God's word for the cure of souls, as concerning the ministration of things political and civil governance. In both these ministrations they must have sundry ministers under them, to supply that which is appointed to their several offices".² Indeed, whether the church possessed the right to excommunicate, which Calvin³ and Bucer⁴ regarded as both fundamental and exclusive, was for Cranmer a matter resting merely on the prince's discretion; and he even went so far as to acknowledge the possibility of civil excommunication.⁵

In Edward VI's reign, the Reformatio Legum Ecclesiasticarum had reaffirmed that the church's jurisdiction derived from the crown,⁶ while an act for consecrating bishops in Elizabeth's reign had invested the queen with all "jurisdictions, power and authorities over the state ecclesiastical and temporal, as well as causes ecclesiastical as temporal, within this realm".⁷ That the church's

1. Cf. Zurich Letters, ii. 149.

2. Cranmer, Works, ii. 116. (Italics mine).

3. E.g. Institutes, IV. xii. 4-5; Calvin, Letters, i. 353-4.

4. Wendel, op. cit. 73; Bucer, Opera, xv. 77. In Strasbourg, however, the magistrates had sought to retain within their own power the right to excommunicate; J. Courvoisier, La Notion d'Eglise chez Bucer, 35.

5. Cranmer, Works, ii. 117.

6. J.W. Allen, A History of Political Thought in the Sixteenth Century, 162.

7. 8 Elizabeth, c. 1, quoted in E.T. Davies, op. cit. 77.

government and jurisdiction was dependent upon the royal prerogative is indeed evident both in theory and in practice. In 1566, Jewel, in his correspondence with Bullinger, had observed that "the queen at this time is unable to endure the least alteration in matters of religion",¹ and, in similar manner, Pilkington of Durham had remarked in 1573:- "We are under authority, and cannot make any innovation without the sanction of the queen, or abrogate any thing without the authority of the laws; and the only alternative now allowed us is whether we will bear with these things or disturb the peace of the church".²

In Tudor England, the church was placed under, and not as Calvin would have wished alongside, the temporal power. It was indeed against such a background that Whitgift expressed the underlying concept of the indivisibility of sovereignty. In his protracted controversy with Cartwright, he thus affirmed:-³

"I perceive no such distinction of the commonwealth and the church that they should be counted, as it were, two several bodies, governed with divers laws and divers magistrates, except the church be linked with an heathenish and idolatrous commonwealth."

Unlike Calvin, therefore, Whitgift maintained that "God hath given the chief government of his church to the christian magistrate, who hath to consider what is most convenient",⁴ since in a church established "in the place of elders and seniors are come christian

1. Zurich Letters, i. 149.

2. Ibid. i. 287-8.

3. Whitgift, Works, i. 21-22; cf, Hooker, Laws of Ecclesiastical Polity, VIII. i. 7.

4. Whitgift, Works, iii. 176.

princes and magistrates".¹ Like Cranmer, Whitgift could thus conclude, as the logical outcome of the prince's sovereignty and supremacy within the church, that even the "archbishop doth exercise his jurisdiction under the prince and by the prince's authority. For, the prince having the supreme government of the realm, in all causes and over all persons, as she doth exercise the one by the lord chancellor, so doth she the other by the archbishops".² It was moreover equally an expression of the unity of church and state that Hooker, in developing his ecclesiology, accepted that "civil and ecclesiastical functions may be lawfully united in one and the same person".³ Within England, therefore, it may be said that the "one kingdom theory" prevailed. Church and state had inevitably become but two aspects of the one society, for the Tudors in their exercise of kingship had effectively demonstrated that the royal supremacy extended over spiritual no less than temporal affairs.

In Scotland, by contrast, there is abundant evidence that the reformers were favourably disposed to accept the Calvinist dichotomy of minister and magistrate, the separate sovereignty, that is, of the two parallel jurisdictions. Indeed, from practical as well as theoretical and theological considerations, the concept that the church derived its entire jurisdiction and the existence of its disciplinary machinery purely from the sovereignty of the crown was fundamentally untenable in a country such as Scotland which was governed by an ungodly and therefore unacceptable monarch. As a

1. Ibid. i. 472.

2. Ibid. ii. 246.

3. Hooker, Laws of Ecclesiastical Polity, VII. xv. 3.

consequence, the organisation of the reformed church at the reformation had emerged and developed independently of the temporal power, as a self-governing institution, claiming a sovereignty and owing an allegiance to an authority which was not of this world; and having experienced the uncommon opportunity, afforded to comparatively few national churches, of developing for itself its own machinery and organs of expression, the reformed church was clearly unlikely to relinquish with equanimity those attributes which it cherished, even with the accession of a godly and more acceptable prince.

It is, indeed, true that in Scotland, as elsewhere, reformed thought attributed to the prince the duty of preserving and fortifying the protestant faith. The reformers, in their Confession of Faith, had specifically acknowledged that kings and magistrates possessed a divinely appointed commission for the direction not only of "civile policey, bot also for maintenance of the trew Religioun, and for suppressing of idolatrie and superstitioun whatsoever".¹ It was, after all, only by asserting the prince's duties towards the church that the reformers could successfully repudiate the claims and pretensions of the papacy. If the church's duty was to preach the word, administer the sacraments and exercise ecclesiastical discipline,² it was equally the obligation of the prince and civil magistrate to preserve the true religion and see vice punished and virtue maintained.³ Patrick Hamilton and George Wishart, Henry Balnaves and John Knox had

1. A.P.S. ii. 534; Knox, Works, ii. 118; History, ii. 271.

2. A.P.S. ii. 531, 534; Knox, Works, ii. 110, 119, 237-238; History, ii. 266, 271, 312.

3. A.P.S. iii. 23-24, c.8; 39, c.25; B.U.K. i. 109; Calderwood, ii. 381; cf. Knox, Works, iv. 398; Works, ii. 437-438; History, ii. 118.

all appealed to the magistracy and had repeatedly affirmed the duty of prince and magistrate to reform the church in accordance with God's law.¹ In such a proposition there was of course little, if anything, that was novel, for Luther, Zwingli and Calvin had all accepted and upheld the principle without question; and, indeed, the only protestant community which had utterly rejected the magistrate's participation in church affairs were the Anabaptists who, for their doctrines and detachment from the state, had received the condemnation of the rest of Christendom.²

To seek the co-operation and support of the civil authorities while maintaining the spiritual authority and integrity of the church's jurisdiction was however very different from placing the whole external government of the church at the discretion and under the control of the temporal power; for the former ideal recognised not only the principle of reciprocity existing between the two parallel jurisdictions but recognised equally their distinct functions and safeguarded, moreover, their respective sovereignties, whereas the latter concept rested upon the rejection of such a duality and the reaffirmation, instead, of the ideal of the indivisibility of sovereignty. The former principle asserted that the civil and ecclesiastical jurisdictions derived their authority through separate channels immediately from God. The latter theory implied that God had committed wholly to the prince's charge all jurisdictions civil and ecclesiastical, so that each received its divine commission not

1. Knox, Works, i. 40, 151; History, i. 17; ii. 234; Works, iii. 528; iv. 324, 480-2, 490.

2. G.H. Williams, Radical Reformation; Spiritual and Anabaptist Writers.

immediately from God but intermediately through a common source, the godly prince, who might therefore legitimately claim to exercise the powers granted unto him in the governance of both jurisdictions.

For the first seven years of its existence on a national basis, however, the Scottish church was faced with a sovereign who, whatever her religious disposition, was emphatically not a protestant in 1561. Such a situation proved hardly conducive to the fostering of good relations between church and crown; and, indeed, for as long as Mary reigned, there could be but a limited amount of active co-operation between church and state, or at least there could not be that degree of close co-operation and mutual trust which might be expected to be forthcoming from a truly godly prince. Mary's adherence to the old religion was in itself not merely an embarrassment to the exasperated Knox but indeed constituted, as it seemed to some,¹ a potential threat to the reformed church's already precarious existence. Equally, in the country at large, Catholic recusancy remained an indisputable fact of Scottish life; and whatever the theoretical identity of church and nation, for the immediate future at least it was plain that in practice church and state could not be co-extensive.

With the deposition of Mary and the accession of a godly prince, however, the way was open for new links to develop between the twin jurisdictions of church and state. The aim of the reformers was the achievement of a harmonious co-operation between church and state within their respective spheres. The two jurisdictions were but the twin pillars of a Christian commonwealth for both were ordained of

1. Knox, Works, ii. 296-7.

God and each existed to assist and fortify the other in establishing the rule of God on earth. Within such a commonwealth, however, the task still awaited reformers of distinguishing and co-ordinating the functions of the spiritual and temporal jurisdictions. Although the two orders constituted a respublica Christiana, it did not necessarily follow that the spiritual jurisdiction should be confounded with the civil, or, in other words, that church and state should be one.*

Starting from the premise that all authority is ultimately derived from God who governs the world through the co-ordinated activities of church and state, the reformers in Scotland made the logical, though modest, deduction that, of necessity, each instrument must possess of its own right a certain jurisdiction and government. Calvin himself, with his usual clarity, had illustrated how "no city or village can exist without a magistrate and government" and how the church too "needs a kind of spiritual government" which "is altogether distinct from civil government."¹ Each government and jurisdiction, in effect, constituted a visible entity, for each had its own distinct, essential and divinely appointed functions to perform. The church, which existed as a visible and, indeed, unique fellowship or society² and which reformers identified with the kingdom of Christ on earth,³ was of its very essence concerned with

1. Calvin, Institutes, IV. xi. 1; cf. IV. xi. 3.

2. Cf. Knox, Works, vi. 449, 451-2, 460-1, 466-70; R.St.A.K.S. i. 204, 276, 312.

3. E.g. Calvin, Institutes, IV. xx. 2; IV. xi. 8, (McNeill edn.); for Bucer, see T.F. Torrance, "Kingdom and Church in the thought of Martin Butzer", Journal of Ecclesiastical History, VI: 1. (April, 1955), 48-59; and for fuller treatment see his Kingdom and Church; for Scottish usage, cf. Spalding Club Misc. iv. 89, 93.

* Cf. W.C. Dickinson, Scotland from the earliest times, 349; Andrew Lang, John Knox and Scottish Presbyterianism, 16.

the spiritual aspects of man's nature, with the soul and the inner man, with salvation and life eternal, whereas the state or civil jurisdiction was principally concerned with the external aspects of man's nature, with the regulation of his outward conduct and the direction of temporal affairs. In maintaining a godly and well ordered community obedient and responsive to God's ordinances, the closest the civil magistrate might presume upon controlling man's moral nature was by using the temporal authority invested in his office to reinforce the ecclesiastical discipline administered by the church and by ensuring its effectiveness through imposing the sanctions of the state, in addition to those of the church, thereby curbing the outward manifestations of an individual's propensity to sin. Accordingly, a Christian, by definition, was both a member of the church or kingdom of Christ and a citizen of the state or kingdom of the world.

Explicit testimony of this dual nature or dichotomy is reflected in a document ^{which} ~~with~~ has hitherto attracted curiously little or no comment from historians. On 6 May 1559, at the beginning of the Scottish revolution and just four days after Knox's return from Geneva,¹ the "professors of Christ's Evangel" drew up a letter² for submission to the queen regent in which they formulated and propounded a theory of the church which, in essence, bears a strong similarity to that which Calvin had developed and elaborated in Geneva. The document, as such, highlights in perhaps an unprecedented manner basic

1. Knox, Works, i. 318; History, i. 161.

2. Spalding Club Miscellany, iv. 88-92.

principles underlying the reformers' attitudes and actions and does moreover provide a revealing commentary on the nature and relationship which ought to exist between the two jurisdictions. In their letter, the reformers give forceful expression to a concept of church-state relations which could well be described as a classical exposition of the "two kingdoms" theory.

By way of introduction, the authors recall their original hope - indeed their expectation - that the reformation might be effected through the crown itself and thereafter they proceed by expressing their subsequent disappointment and disillusionment when events proved otherwise. They remind the queen regent that God had committed to her charge the government of "ane kingdom temporall" and that He had placed upon her an inherent duty to rule within the limits of His word. Accordingly, Mary of Guise is thus solemnly warned to:¹

"Tak heid that ye pas nocht the limittis and boundis of your awin office, nother entyr be impair in Christis kingdome usurpeand forther powr unto you nor he hes gewin, ffor thocht all kingdomes bayth temporall and spirituall pertenis to God, yit hes God distributit the ministerie diverslye, that is the temporall kingdomes in the government of mortell men, and makis thame princes of the erthe, for the mentenance of commoun welthis and civill polaceis. Bot the government of the spirituall and hevinlie kingdome, the kirk of God we mein, he hes onlie committit to his sone Christ, ffor he is the heid thairoff, all uther ar her memberis under him."

Clear distinction is drawn in unequivocal language between the state governed by the prince and the church ruled by Christ whom the reformers insist is and can be the church's one and only head. Within "Christis kingdome", therefore, the queen regent remained

1. Ibid. 89.

but:¹

"ane servand and na quein, havand na preheminnence
nor authoritie above the kyrk, or onye power in
that kingdome, to oppin your voce to command onye
uther thing nor Christ hes techeit, ffor that
kingdome as sayis Sanct James hes bot ane law
gevar. Be war thairfor that ye tak na
authoritie upone you abve the kirk of Christ,
for than seik ye to be equall with him quha can
hef na merrowis."

The document stresses, too, the cataclysmic fall from grace of those
overmighty princes in antiquity who sought to bear rule within the
church and indicates for Mary's especial benefit the all but certain
disaster which would befall any prince foolish enough to meddle in
Christ's kingdom:²

"Be thir exempillis we wald your grace suld
keep you within the boundis of your awin
vocation, exerceand iustlie the authoritie
temporall gevin to your maiestie, and suffer
Christ trewlie be his word to reuill his awin
kingdome."

The significance of the document lies also in what it refrains from
stating. Had they wished to do so, the reformers could well have
invalidated the queen regent's interference in ecclesiastical matters
on the grounds that only a godly prince could govern the church and
claim supremacy within it. It is at least an interesting indication
of the reformers' train of thought that they made no such assertion.
Instead they implied that the government of the church on earth must in
some way be vested in its members generally, and not solely in the prince.
Like Calvin, the Scottish reformers regarded sovereignty as divisible,
bestowed independently by God upon the spiritual and temporal kingdoms;

1. Ibid.

2. Ibid.

and Christ was regarded as ruling the church or spiritual kingdom by the sceptre of His word and the preaching ministry of men who were "send of God and ordinarilie callit to Christis ministerrye".¹

If the letter of 6 May 1559 provides in clear and concise language a perhaps unique insight into the evolution of at least one strand of reformed political thought during the making of the Scottish revolution, an earlier statement of the basic dichotomy between the two realms of church and state may perhaps be found implicit in Henry Balnaves' essentially similar, if less forceful, observations of 1548. While he assigns to the prince's jurisdiction the suppression of superstition and the establishing of true religion, Balnaves does nevertheless indicate that the prince's primary concern lay with the "jurisdiction of people in the civil ordinance" for "all power ecclesiastical" truly resides "in the office of the administration of the Word of God",² a slender foundation, perhaps, for ecclesiastical independence, but a foundation, no less, from which Calvin himself had developed his ecclesiology of two concurrent yet autonomous jurisdictions,³ and a foundation, indeed, which Cranmer for one would have experienced difficulty in accepting in the light of his earlier statement.⁴

But even if we leave Balnaves's views to one side, what is plain, in any event, is that the two kingdoms theory was without question deeply embedded in the genesis of the Scottish reformed church. That

1. Ibid. 90.

2. Knox, Works, iii. 526-529.

3. Calvin, Institutes, IV. iii. 1.

4. Cranmer, Works, ii. 116; see above, 78.

such a concept should be propounded in 1559, some fifteen years before Andrew Melville's return to Scotland, is clearly a matter worthy of attention; and when it is borne in mind that Erskine of Dun in 1571 reasserted this fundamental principle even after the accession of a godly prince,¹ it would seem altogether untenable to suggest that in the assertion of such a theory there was anything either particularly novel or peculiarly Melvillian. Nor is there any indication, for that matter, of anything in the two kingdoms theory which could justifiably be described as alien to the Scottish reformed tradition.

But precisely in what, it may be asked, did the concept of the two kingdoms consist? Commentators have all too readily taken the two kingdoms theory at its face value as if such an ideal was altogether at variance with the theory of two sovereign jurisdictions. What lay behind the usage of such a catch-word as that of the two kingdoms is a matter which requires careful investigation. But, in essence, the issue itself is very largely a question of semantics, and, indeed, it can be confidently asserted that when the reformers spoke of two kingdoms, they were thinking primarily in terms of regna and not respublicae. While they conceived God as ruling the commonwealth through the two sovereign jurisdictions of church and state, the reformers in Scotland did of course regard the church as pre-eminently constituting Christ's kingdom;² and, as the visible kingdom of Christ, the chosen instrument for the salvation of men and the advancement of God's glory, the church alone, through its ministry, possessed the

1. Calderwood, iii. 156-162; Bannatyne, Memoriales, 197-203.

2. Cf. Spalding Miscellany, iv. 89, 93; Knox, Works, vi. 308.

power to interpret God's ordinances and so make known to all His very will and commandments.

In distinguishing between the two kingdoms or realms, the two governments or jurisdictions, that is, of church and state, Calvin himself had spoken of how "the spiritual kingdom of Christ and civil government are things very widely separated" and of how it was a "Jewish vanity to seek and include the kingdom of Christ under the elements of this world".¹ Equally, when reformers in Scotland in 1559 differentiated between the two "kingdomes bayth temporall and spirituall",² and, again, when Erskine of Dun in November 1571 distinguished between the spiritual jurisdiction committed by God to the church and the temporal power granted to kings and civil magistrates, and when, moreover, in December 1571, he spoke of the church as "the inheritance of the Lord, his proper possessioun and kingdome",³ the principle which they were stating and forcibly underlining was of course none other than the fundamental sovereignty and autonomy within their own spheres of the twin jurisdictions of church and state.

Again, looking ahead to Melville's pronouncements on the subject, when he reasserted that "thair is twa Kings and twa Kingdomes in Scotland; there is Chryst Jesus the King, and his kingdome the Kirk, whase subject King James the Saxt is, and of whase kingdome nocht a king, nor a lord, nor a heid, bot a member",⁴ Melville was referring to nothing other than the distinct and separate functions

1. Calvin, Institutes, IV. xx. 1.

2. Spalding Miscellany, iv. 89.

3. Ibid. 93.

4. Melville, Diary, 370; Calderwood, v. 440.

of the two jurisdictions; or, as he himself remarked on another occasion, "thair was twa Kings in Scotland, twa Kingdomes, and twa Jurisdictiones".¹ There can be little doubt, therefore, that such phrases as "the two kingdoms" and "the separation of the two jurisdictions" were simply different ways of expressing and affirming the same underlying principle of the independent sovereignty of church and state.

Further evidence of the reformers' favourable disposition towards this essentially Calvinist theme of the duality or division of sovereignty inherent in the theory of the two jurisdictions is perhaps reflected in the Book of Discipline, itself a document compiled for the godly council of the realm; for in its division of offences into those which the reformers wished to see punished by the state and those by the church,² some element of distinction and reciprocity between church and state is implied. This twofold division of punishable offences was but the visible outcome of the distinction which reformers in Scotland drew between the spiritual and temporal kingdoms. While the state possessed the right to outlaw and cast out an individual from society, the church had of its own right the corresponding spiritual power to excommunicate and cut the individual off from the society and fellowship of the church. The civil power, were it godly, had of course the duty of lending its support to the censures of the church, but the elementary point remained that the church claimed to possess of its own right the exclusive power to excommunicate without reference to any civil

1. Melville, Diary, 325; Calderwood, v. 378. (*Italics mine*).

2. Knox, Works, ii. 227ff; History, ii. 306ff.

jurisdiction. Such a belief is quite explicit in the "Order of Excommunication" which declared that:-¹

"because the civil sword is in the hand of God's Magistrat, who notwithstanding oft winkis at such crymes, we having place in the Ministry, with grief and dolour of our harts, ar compelled to draw the sword granted be God to his Church; that is, to Excommunicat from the society of Christ Jesus, from his body the Church, from participatioun of sacraments, and prayers with the same ..."

Each jurisdiction thus possessed its own officers or magistrates. The civil magistrate's primary concern, apart from fortifying the reformed religion, lay, as the term implies, with the administration of justice and the rule of law within the commonwealth. The elders of the kirk session, on the other hand, as "ecclesiastical magistrates"² possessed "authoritie to judge in the Churche of God" and oversee "the manneris and conversatioun of all men within thair charge".³ A Christian was subject, therefore, to the jurisdiction of two sovereign "regiments", for in Scotland the reformed church did not become absorbed within the machinery of the state. As a consequence, the government of church and state by distinct and separate magistrates became an accepted norm within the Scottish church.

Indeed, from its very inception, the reformed church had consistently and emphatically insisted upon the separation of the two jurisdictions; and, what is more, it continued to contend for their separation even after the accession of a godly prince. As early as

1. Knox, Works, vi. 451. On the significance of excommunication, see also Knox, Works, i. 333; History, i. 169-70; Works, ii. 230; History, ii. 307-8; Works, iv. 205-6.

2. Alexander Maxwell, The History of Old Dundee, 72.

3. Knox, Works, ii. 234; History, ii. 310.

1548, Henry Balnaves had concluded, as had Calvin and Bucer,¹ that it was no part of a bishop's or minister's office to meddle with secular affairs;² and Knox in his Exhortation to England had declared in 1558: "Let none that be appointed to labour in Christes vineyearde be entangled with Civil affaires".³ The Book of Discipline, likewise, gave expression to prevailing attitudes by declaring ministers ineligible for membership of the privy council and by excluding them from regular attendance at court.⁴ Similarly, the general assembly took action against Alexander Gordon, bishop of Galloway, and Adam Bothwell, bishop of Orkney,⁵ for accepting an appointment on the privy council and court of session, thereby confounding the two jurisdictions.⁶ Gordon was charged moreover with attending court,⁷ thus infringing the the stipulations of the Book of Discipline.⁸

1. Calvin, Institutes, IV. xi. 9; Bucer, De Regno Christi, in Opera, xv. 12.

2. Knox, Works, iii. 26, 532.

3. Knox, Works, v. 519.

4. Knox, Works, ii. 236; History, ii. 311.

5. Having pursued eventful careers as prelates in the pre-reformation church (see G. Donaldson, "Bishop Adam Bothwell and the Reformation in Orkney", R.S.C.H.S. xiii. (1959), 85-100; and "Alexander Gordon, Bishop of Galloway (1559-1575) and his work in the Reformed Church", Trans. Dumfries. and Galloway Nat. Hist. and Antiq. Soc., 3rd ser. vol. xxiv. (1947), 111-128; cf. G. Brunton and D. Haig, An Historical Account of the Senators of the College of Justice, 119-122, 128-132), Bothwell and Gordon had joined the reformers and had accepted the office of "commissioner" over their respective dioceses; (cf. B.U.K. i. 31, 32, 52, 112, 114, 131, 150, 162, 165; Calderwood, ii. 223, 224, 282, 393, 424, 491). Although exception was taken to their title of "bishop" (e.g. B.U.K. i. 162; Calderwood, ii. 534), the style itself persisted and continued to be used for the duration of their lives.

6. B.U.K. i. 52-3, 112, 114, 131, 162, 166; Calderwood, ii. 282, 393, 424.

7. B.U.K. i. 112, 131; Calderwood, ii. 393, 424.

8. Knox, Works, ii. 236; History, ii. 311.

In December 1567, Gordon yielded to the assembly's injunctions and acknowledged his offence¹ but conspicuously absented himself from future assemblies and further investigation.² Bothwell, on the other hand, conducted a spirited defence and with some ingenuity attempted to rebuff the charges on the grounds that acceptance of both offices was decidedly "not repugnant or contrariouse to any good order as yet established in the Kirke" but rather "as the office itself was allowable, so it should be profitable for the Kirke, that many preachers of the evangell were placed in the Sessione". His contention, however, was destined to fall on deaf ears, yet his allegation that "diverse others having benefices have done the like, and are not condemned for so doing",³ must surely have carried conviction. Indeed, the assembly itself, in January 1571/2, at the regent's request gave licence to Robert Pont to become a senator of the College of Justice, "provydeing alwayes that he leave not the office of the ministrie" and that such a step be not interpreted as a "preparative to other ministers to procure sick promotioun".⁴ In March 1572/3, however, when the regent again inquired whether ministers might be eligible for appointment as senators, the assembly rejected the possibility and resolved:-⁵

"that nane was able or apt to beare the saids twa charges, and therefore inhibits that any Minister occupying the vocatioun of the Ministrie take upon him to be a Senatour; Mr Robert Pont only excepted".

1. B.U.K. i. 114; Calderwood, ii. 393.

2. B.U.K. i. 131, 150, 261, 273-277, 282, 309; Calderwood, ii. 424, 491; iii. 273, 289-293, 331-332.

3. B.U.K. i. 166; Calderwood, ii. 531.

4. B.U.K. i. 206; Calderwood, iii. 169; cf. Brunton and Haig, op.cit. 151-152.

5. B.U.K. i. 264; Calderwood, iii. 277.

Indeed, the same assembly, while still on this theme, proceeded to the more general affirmation, categorically insisting, that:-¹

"It is neither aggrieable to the word of God nor to the practise of the primitive Kirk, that the speciall administratioun of the Word and Sacraments, and the ministration of the Criminall and Civill Justice be so confoundit, that ane person may occupie both the cures."

Further discussion on the spheres and functions of the two parallel jurisdictions is clearly indicated in the general assembly's overtures to the regent; and, indeed, it is in the assembly's persistent efforts to have the church's jurisdiction separated from that of the state that an implicit claim can be detected for the church's spiritual independence.

As early as December 1562, the assembly had appointed a committee to discuss with the privy council the question of "what causes sall come in judgement to the kirk";² and in June 1564 an enlarged committee of superintendents, ministers lairds and lawyers was appointed to confer with the council "anent the causes of the whole Kirk and jurisdiction thereof".³ What progress was made, if any, is hard to determine but parliament, for its part, on 15 December 1567 did approve an article by the church, confirming the latter in "sick fredome, priviledge, jurisdiction, and authoritie, as justly apertene to the trew kirk". Such an approval did however contain the recommendation that the precise nature and extent of ecclesiastical jurisdiction should be the subject of further discussion. Five days later, therefore, parliament acknowledged the

1. B.U.K. i. 267; Calderwood, iii. 281.

2. B.U.K. i. 29; Calderwood, ii. 208.

3. B.U.K. i. 50; Calderwood, ii. 281.

church's jurisdiction in preaching of the word, administration of the sacraments and correction of manners; and moreover gave commission to a number of officials, lawyers, superintendents and ministers "to seirche furthe mair specialle and to consider quhat uther special points or clausis sould appertene to the jurisdiction, privilege, and authoritie of the said Kirk".¹ The committee as such was instructed to report its findings to the next parliament; but in the meantime the general assembly for its part likewise appointed a deputation on 26 December to discuss the question with a delegation chosen by parliament or the regent.² Yet no discussion appears to have taken place, for in July 1568 the assembly requested the regent to convene the conference on the church's jurisdiction.³ In March, and again in July, 1569 the church summarily petitioned "that the jurisdictione of the Kirk may be separate fra that quhilk is civile"⁴ which finally induced the regent to appoint a definite date for the conference.⁵

No progress, however, was made; and, in March 1570/1, the assembly drew up a list of articles on the church's jurisdiction for submission to the regent.⁶ In his letter to the assembly of August 1572, Knox himself drew fresh attention to the problem; for, in this his farewell address to the church, Knox expressed his deep concern that the question of the church's jurisdiction had been so long

1. A.P.S. iii. 24-5, c.12.

2. B.U.K. i. 113; Calderwood, ii. 396-7.

3. Calderwood, ii. 426; Spottiswoode, ii. 93.

4. B.U.K. i. 140, 146; Calderwood, ii. 485, 494.

5. R.P.C. ii. 7; Calderwood, ii. 498.

6. B.U.K. i. 185-7; Calderwood, iii. 38-40.

postponed and indicated his strong desire that the issue might finally be resolved without further delay.¹ The suggestion sometimes made that the separation of the two jurisdictions was altogether alien to Knox's thinking² would appear therefore to be quite without foundation. For the immediate years ahead, however, the question of the church's jurisdiction remained unresolved; and with Knox's death, it fell to another to renew the church's claim, so often expressed in the past, that the two jurisdictions should remain separate.

The distinction itself between church and state is attributable, therefore, not merely to the intransigence of the queen regent nor even to the return of a queen whose allegiance lay with Rome. Equally, if the nobles' refusal to ratify the Book of Discipline sealed the fate of the reformed church and very largely determined its pattern in the years ahead, such a course of action, in itself, did not account for the reformers' insistence on the separation of two jurisdictions of church and state. The distinction between the two sovereign jurisdictions is rather to be traced back to reformation principles for, as already indicated, it was on theological as well as practical grounds that the separation of the two spheres of church and state could be justified.

One further aspect, however, of the relationship between church and state which requires examination is the precise nature of reformed

1. B.U.K. i. 249; Knox, Works, vi. 621.

2. W.C. Dickinson has suggested that "the separation of ecclesiastical authority and civil authority was, in fact, a concept entirely alien to Knox": see Andrew Lang, John Knox and Scottish Presbyterianism, 15.

opinion in Scotland towards the church's representation in parliament. For the 1560's, at any rate, all too little information is available on the reformers' attitude to ecclesiastical representation. But it is obviously a question to which the reformers themselves must have given careful consideration. John Knox, however, unlike other reformers whose views have gone unrecorded, did have occasion to define his attitude and to voice his feelings on the subject in his Exhortation to England in 1559, after the accession of Elizabeth, in which he declared that "as touching their [the bishops'] yearly commynge to the Parliament, for matters of religion, it shalbe superfluous and vaine; yf God's true religion be so once established, that after it be never called in controversie".¹ Nor is it at all likely that Knox might have changed his opinion on his return to Scotland, since only four short months had intervened between the completion of his Exhortation in January 1559, and his arrival in Scotland in the following May; and there is of course no evidence to suggest that this his unequivocal advice to England would be inapplicable or go unheeded north of the border. Indeed, there is absolutely no indication throughout the 1560's that the reformers, who were by no means diffident in voicing their requirements, wished any ecclesiastical representation in parliament. The church, for example, unlike the lairds, had not expressed any desire for representation in the reformation parliament and in later years there was no suggestion that superintendents or commissioners from the general assembly should represent the spiritual estate in parliament.

1. Knox, Works, v. 519.

Instead, the church had found an alternative means of formulating and expressing its views, independently of the machinery of the state, in the general assembly. Accordingly, through the guidance of the ministry, the official interpreters of Scripture and the very "mouth of the kirk",¹ the church had sought to determine its own policy on religious matters and affairs relating to its jurisdiction in the general assembly, which reformers regarded as an integral part of the church's organisation. Thereafter, it was of course the duty of the truly godly magistrate in ecclesiastical matters to promote and enforce the resolutions of the church; and, as a consequence, it was customary for a number of prominent ministers to form a kind of ecclesiastical lobby at meetings of parliament when the assembly's articles and recommendations were handed in for implementation.² As Knox had already indicated, therefore, the question of ecclesiastical representation in parliament simply did not arise and by implication there could of course be no possibility of confounding the two jurisdictions or, as Knox had put it, of ministers themselves becoming involved in or "entangled with Civil affaires, (and, as ye call them, the affaires of the Realme)".³

The spiritual estate in parliament, even after the accession of James VI, was thus confined to the attendance of the conforming bishops, over which the assembly could have little direct control, along with that of the abbatial representatives in the form of the lay

1. B.U.K. i. 84; Calderwood, ii. 329.

2. Cf. A.P.S. iii. 37.

3. Knox, Works, v. 519.

commendators. In 1565, John Carswell, the superintendent of Argyll, had joined the ranks of the bishops after receiving a gift of the bishopric of the Isles from Mary,¹ and was thus eligible for a seat in parliament, but whether he ever took a prominent part in parliamentary affairs may be doubted - his work in his diocese seems all too often to have precluded his attending assemblies² - but he had obviously presented himself somewhat injudiciously at certain meetings of parliament, for in July 1569 the assembly had censured him not only for accepting the bishopric, "without making the Assembly forseen", but also "for riding at, and assisting of the Parliament holden by the Queen, after the murther of the King".³

If, for the first decade of its history, the church had thus shown no desire for parliamentary representation, the resourceful and competent earl of Morton, on the other hand, who as regent faced the task of post-war reconstruction, was not content to let such a situation remain indefinitely. His policy of curbing the church's independent stance by attempting to restrain the freedom of the assembly or even to suppress it altogether,⁴ and by attempting to integrate the church's structure more closely with the machinery of the state was at once countered by the assembly's insistence in March 1573/4 that it existed by divine right,⁵ and by the ministry's refusal at that point to concede or acknowledge any royal supremacy

1. Cf. Watt, Fasti, 206.

2. E.g. Wodrow Society Miscellany, i. 286; Wodrow, Collections, i. 134-5. The acts of assembly contain but four references to Carswell; B.U.K. i. 13, 114, 144, 145.

3. B.U.K. i. 144; Calderwood, ii. 490-491.

4. Calderwood, iii. 306-307.

5. B.U.K. i. 292; Calderwood, iii. 305.

over the church.¹ The course which Morton had charted out had all too clearly been modelled on developments in England where the Tudor monarchs in their exercise of kingship had ended convocation's historic role as an independent ecclesiastical legislature; and, in Scotland, it was envisaged (though not stated in the articles of the convention of Leith² or in any act of assembly of the period) that the new bishops would take their seats in parliament thus placing the spiritual estate on a more thoroughly ecclesiastical basis and, at the same time, ensuring - or so it was hoped - that religious matters would be formulated not in the assembly but by the king in parliament.

It was in part as a reaction against these recent developments, therefore, and an attempt to return more closely to earlier ideals that Melvillians continued to reassert the separation and sovereignty of the two jurisdictions. Melville, like Beza,³ was certainly opposed to bishops in parliament, and probably opposed to any form of permanent ecclesiastical representation, though many presbyterians themselves were not so inflexible in their adherence to the separation of the two jurisdictions as to rule out or exclude altogether the possibility of commissioners, appointed by the assembly, voting in parliament on matters relating to the church.⁴ In this sphere at

1. See below, 114-115.

2. While recognising the right of the lay commendator to "supplie the place of ane of the Ecclesiasticall Estate in Parliament", the Leith settlement did, however, remain conspicuously silent on the question of episcopal representation; B.U.K. i. 210; Calderwood, iii. 173.

3. S.H.S. Miscellany, viii. 104.

4. Cf. B.U.K. ii. 419, 425, 506, 527, 606; Calderwood, iii. 548, 578, 688.

least, the separation of the two jurisdictions which Knoxians like Melvillians had tried to effect was never absolute; nor, given the very nature of society itself, could it ever be made so.

The relationship between church and state was itself founded upon the principle of reciprocity. Each owed the other mutual support and each existed side by side for the benefit of both. The church for its part required the co-operation of the Christian magistrate in enforcing its own resolutions. As repeated requests to the privy council and parliament indicate, the church, not unreasonably, had expected the civil authorities to see idolatry suppressed and vice punished, and, in particular, it had also required the temporal arm to make available adequate provision for the ministry, in terms of stipends, manses and glebes.¹ Consequently, both parliament and the privy council had respectively legislated or taken action on all these subjects.² At the same time, however, it would be hard to find an instance in the 1560's in which parliament itself took the initiative in matters relating to the church, for all too often it was merely implementing decisions already reached in the general assembly.³ On such questions, therefore, as the separation of the two jurisdictions, the emphatic claim for the restoration of the church's patrimony, the financing of the ministry, the "planting" of superintendents, commissioners and ministers, the question of divorce, as well as in numerous day to day policy decisions affecting

1. E.g. B.U.K. i. 8-9, 20-4, 47-9, 53, 59-60, 68-71, 127-9, 139-40, et passim.

2. E.g. A.P.S. ii. 548 c. 2; iii. 71-3, c. 2-5, 76* c. 13-15; R.P.C. i. 487-8, 494; ii. 6-7, 90-1, 227-8, 390-1, 499.

3. E.g. A.P.S. iii. 36-38.

the church's welfare and future, the initiative, in the first place, was taken not by parliament but by the general assembly of the church. The church's form, its very structure and organisation, as well as its confessional standards, was not left to the discretion of the civil power but was from the start determined by the ministers themselves; and the Book of Discipline, directed to the godly council for implementation, was written by none other than six ministers who had required the civil authorities to set the church "at fredome and libertie" and had urged them, at the same time, not to suffer their "awin corrupt judgments" but rather to obey the law of God; for "yf we require nothing which God requyreth not also, let your Honouris tack head, how ye ganestand the charge of him whose hand and punishment ye can not eschape".¹

On those occasions when the church did not obtain that degree of support and co-operation from the state which it deemed necessary - when the church failed, for example, to secure that unequivocal acceptance by the temporal power of the contents of the Book of Discipline, and equally when it failed to obtain provision for the appointment of additional superintendents - the church went its own way, irrespective of the state, and continued not only to uphold the ideals of the Book of Discipline but on its own initiative appointed commissioners to provinces in which superintendents had not been appointed.

In accordance with the principle that the godly magistrate should use his authority to help reform the church and conserve the

1. Knox, Works, ii. 256-7; History, ii. 323.

protestant faith,¹ the privy council in 1561 had formally nominated the superintendents to their several charges. As superintendent of Lothian, Spottiswoode had thus been empowered to act "in the name of God and of the secreit consale, oure present and lauchfull magistratis", but it must also be acknowledged that he had primarily affirmed "that be the consent of the kirkis of Lautheane and be the commandement of the nobilitie I am appoynttit superintendent oure the same and be vertew thareof be the lordis of secreit consale I am straitlie chargeit to visey the kirkis for establissing of ane uniforme and godlie ordour in the same".² Equally, in another document of the period concerned with stipends, Spottiswoode is again designated as having been "chosin be the kirk superintendentt of Lotheane".³ Moreover, according to Knox, Calderwood and Spottiswoode,⁴ the ministers along with burgh commissioners and "sum of the Nobilitie and Barronis" - a body which may be recognised as the first general assembly⁵ - had previously nominated the five superintendents in July 1560,⁶ and while such appointments certainly did not become immediately effective, it would seem in itself undeniable that the privy council's action in formally nominating precisely the same candidates in 1561 as those reported to

1. E.g. A.P.S. ii. 534; Knox, Works, ii. 118; History, ii. 271.

2. S.R.O. GD.1/371/1. Warrender Papers, fo. 98v.; G. Donaldson, Scottish Reformation, Appendix Ib, 227. (*Italics mine*).

3. S.R.O. GD.1/371/1. Warrender Papers, fo. 92r.

4. Knox, Works, ii. 87; History, i. 334; Calderwood, ii. 11; Spottiswoode, i. 325. Archbishop Spottiswoode, whose father was superintendent of Lothian, would presumably have been aware of the date at which his father had been appointed superintendent, quite independently of Knox's assertion.

5. See above, 30-31.

6. Knox, Works, ii. 84-7; History, i. 332-4.

have been chosen in July 1560 was merely making operative the abortive appointments made by the church some eight or nine months earlier. Viewed against this background, Spottiswoode's statements hardly suggest that he regarded the privy council as the sole, or even prime, source of his commission and authority; and the probability is that his comments as such indicate little other than the favourable disposition of the civil power to accept its responsibilities for enforcing and endorsing the requirements of the church.

Furthermore, it is manifestly clear that the superintendents' nomination by the privy council was regarded as nothing more than a temporary expedient - it was simply the Christian magistrate lending his support to the task confronting the church of erecting a new ecclesiastical machinery - for the Book of Discipline itself had plainly stated that, to begin with, "in this present necessitie, the nominatioun, examinatioun, and admissioun of Superintendentis can not be so strait as we require, and as afterward it must be", and that after the lapse of three years, when the church was restored to its proper liberty, the nomination of future superintendents should lie not with the privy council but with the church itself, assisted by the town council of the principal burgh of the province.¹

While there was thus co-operation between church and state, the functions of the two sovereign jurisdictions nevertheless remained quite independent. The whole system was based on a common recognition of the respective and indeed exclusive competence of church and state, each within its own sphere of activity. If from time to time

1. Knox, Works, ii. 205-6; History, ii. 293-4.

apprehension arose lest there occur any unwarrantable intrusion of the civil power in matters ecclesiastical, and vice versa, there was at the same time a clear enough understanding of the broad delineation or demarcation between the two jurisdictions which was on the whole scrupulously observed by both parties. Ministers were expected to refrain from discussing civil matters, and as early as December 1560 the general assembly, when confronted with a petition on weights and measures, promptly referred the matter to parliament for resolution,¹ while the privy council and even parliament itself likewise remitted matters to the general assembly for final determination.² Yet again, if in 1569 the privy council had directed Robert Pont as commissioner of Moray to admit a candidate to the vicarage of Elgin, the direction itself was issued, not on the understanding that he would be answerable to the privy council, but rather that he would be accountable to the church itself, or more precisely, in the phraseology of the privy council minute, "as he will answer to God and to the Generall Assemble of the Kirk";³ and just as the assembly had regarded a minister to be liable to punishment by the temporal power, if guilty of a civil offence, (the church itself dealing with the "slander" involved)⁴ so too did it insist that the civil magistrate be subject in ecclesiastical matters to the censures of the church.⁵ Such an interpretation and arrangement was but a

1. B.U.K. i. 5.

2. E.g. R.P.C. ii. 61; A.P.S. iii. 37, c.10.

3. R.P.C. ii. 68.

4. B.U.K. i. 179; Calderwood, iii. 5.

5. B.U.K. i. 16, 195; Calderwood, ii. 185-6; 'iii. 37.

recognition, and indeed the logical outcome, of the underlying principle of the independent sovereignty of the two kingdoms or jurisdictions and an application of the Calvinist dichotomy of minister and magistrate.

The principle of the separation of the two jurisdictions which the first reformers thus asserted carried with it several important implications. Prime among these is perhaps the role which the reformers assigned to the prince and civil magistrate in matters ecclesiastical. How far, if at all, were they prepared to permit any claim to royal supremacy over the church? The issue can be resolved by considering the subject from the varying standpoints of political theory and the absolute sovereignty of the parallel jurisdictions, and by considering whether Scottish reformers believed the prince to be immune from or subject to the censures of the church.

The rejection of papal headship in itself did not automatically involve any recognition of royal supremacy. An explicit affirmation by the church of the supremacy of the crown in ecclesiastical affairs still awaits discovery and all the evidence presently at hand seems to indicate clearly enough the rejection of such a principle. It is at any rate significant, and indeed indicative of reformed thought, that, even after the accession of a godly prince, the general assembly in July 1567, far from considering any concept of royal supremacy, should proceed instead to prescribe to the king the terms of his rule. Whether they based their contractual theory on the "ancient Scottish constitution", which Buchanan had thoughtfully

resurrected,¹ or perhaps more plausibly upon Biblical precedents,² the Scottish reformers, unlike their English counterparts, firmly believed that the relationship between God, prince and people constituted a "band and contract to be mutual and reciproque in all tymes comeing betwixt the prince and God, and also betwixt the prince and faithfull peiple according to the word of God",³ Nor can such a declaration be attributed merely to the extravagant delusions of the king's clerical mentors, for parliament itself, no less, in considering the coronation oath, "ffund gude" and expressly approved the assembly's observations on the subject.⁴ Contemporaries in Scotland evidently considered that royal power, of its very nature, was not unlimited. Knox and Buchanan, starting from different premises, had arrived at the same conclusion, namely that kings were responsible not to God alone but, in a very real sense, to their subjects too. Thus, in 1564, Knox had querulously demanded of Lethington:-⁵

"And what harm sould the Commounewelth ressaif,
gif that the corrupt effectiounis off ignorant
reuleris were moderatit, and so brydillit be
the wisdome and discretioun of godlie subjectis,
that thai sould do wrang nor violence to no man?"

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1. Cf. H.R. Trevor-Roper, "George Buchanan and the Ancient Scottish Constitution", E.H.R., Supplement 3 (1966). The purpose of the Scottish constitution, Buchanan declared, was "to curb the unlawful desires of kings"; De Jure Regni, 84.
 2. B.U.K. i. 108-9; Calderwood, ii. 381.
 3. Ibid. 109; Calderwood, ii. 381; R.P.C. i. 536; cf. Buchanan, De Jure Regni, 96. In his Trew Law of Free Monarchies, James VI refers to this "mutuall and reciproock band" only to refute it; see The Political Works of James I, ed. McIlwain, 54-70.
 4. A.P.S. iii. 39 c. 25; cf. 23-24 c. 8.
 5. Knox, Works, ii. 440, cf. 281; History, ii. 120; cf. 16.

In similar vein, he maintained in common with his fellow ministers¹ that:-²

"subjectis nocht onlie may, but also aucht to withstand and resist thair princes, whensoever thay do onie thing that expreslie repugnis to God, his law, or holie ordinance.

Knox's arguments were of course designed to bridle the powers of the ungodly Mary. Leaving to one side, however the question of resistance, it was but a small step, as Erskine of Dun demonstrated in 1571, to advance similar arguments against any prince or magistrate godly or otherwise, the moment he acted in a manner deemed prejudicial to the true interests and welfare of the reformed church.

The differentiation between a godly and ungodly sovereign was perhaps much less obvious and a good deal less clear cut to contemporaries than it has appeared to subsequent generations; for not only was there the possibility, perhaps remote, that an ungodly monarch might repent and become a protector of the church reformed, but there was equally the danger that a sovereign hitherto deemed godly might nevertheless act on occasion in a manner unbecoming a Christian prince and in a way prejudicial or damaging to the church's well being. "Calvinism", it has been said, "needed a converted king and it never found him; nor did it ever find any alternative".³ The office of king was without question godly, for it was divinely ordained; but, as the Congregation had contended in 1559⁴ and as

1. Knox, Works, i. 442; ii. 291, 434-435, 442; History, i. 250; ii. 23, 115-116, 131-133; Goodman, How Superior Powers Oght to be Obeyd, 139-140.

2. Knox, Works, ii. 450; History, ii. 127.

3. Douglas Nobbs, England and Scotland, 1560-1707, 38.

4. Knox, Works, i. 331-332; History, i. 168; Calderwood, i. 449.

Knox had argued in 1564,¹ there was a difference between the "authority" and the person placed in authority. In so far as the prince acted in accordance with God's word, he was acclaimed as the lieutenant of God and a truly godly prince,² but when he so much as departed from God's word and resisted the divine ordinance, he was condemned as fighting against God's will and therefore worthy to be deposed.³ To obey an ungodly prince was thus to disobey God Himself.⁴ The ultimate test of the prince's godliness lay, therefore, in whether he acted as a good Christian and implemented God's law on earth; and whether his actions really reflected God's will could be determined, in the end, only by the ministers of the church, for they, as God's representatives and interpreters of scripture,⁵ constituted the final arbiters of the prince's godliness.

The reformers throughout had made the tacit, though somewhat dubious, assumption that the judgment of a godly monarch would be identical to their own. If the prince were godly then it was unquestionable that any disagreement over matters of religion could arise. There could be no possibility of any conflict of opinion. As events were to prove, however, a thoroughly godly prince was something of a rarity. Confronted with such a situation, therefore, the reformers did but trim their theories to meet the exigencies of

1. Knox, Works, ii. 435-436; History, ii. 116-117.

2. A.P.S. ii. 534; Knox, Works, ii. 118; History, ii. 271; cf. Calderwood, iv. 507, 519.

3. E.g. Knox, Works, iv. 507; Goodman, How Superior Powers Oght to be Obeyd, 58-9, 139-140.

4. Cf. Goodman, How Superior Powers Oght to be Obeyd, 103.

5. Knox, Works, ii. 387, 426; History, ii. 82, 109; Works, iii. 41; cf. Goodman, How Superior Powers Oght to be Obeyd, 31.

the moment.

The implications of the "covenant" or "contract" theory which the Scots reaffirmed in 1567 were conveniently vague and ill-defined; but at least they did suggest clearly enough that sovereignty is delegated to the prince by God through the people. Unlike James VI, who was later to expound his own political philosophy and declare that "kings were the authors and makers of the Lawes, and not the Lawes of the kings",¹ the heirs of the Scottish revolution came to believe in a strictly limited "constitutional" monarchy; and in Buchanan they found a spokesman and apologist for their cause. It was perhaps characteristic of the man and the movement that Buchanan should thus contend that "in the people, to whom belongs the supreme power, lies the enactment of laws"² and argue, moreover, that subjects require as a safeguard "the law to be over a king who falls short of their ideal".³ Similarly in their letter to Elizabeth in 1571, Mary's revolutionary opponents proclaimed that in times past "the nobilitie and subjects of Scotland, under the profession of Christ, have ben accustomed to sommonn their princes, imprison them and depose them for their enormities".⁴ Thus, despite his humanism, with Buchanan stood Knox, Goodman and Willock, the ministers of the Scottish reformed church, united in their conviction and belief that any king acting against the will of God and interests of the people

1. The Trew Law of Free Monarchies, in The Political Works of James I, ed. C.H. McIlwain, 62.

2. De Jure Regni, 85.

3. Ibid

4. E.H.R. Supplement 3, Annexe, 47, cf. 42; see also Buchanan, De Jure Regni, 64.

is deemed to have broken the basic covenant and accordingly, as a tyrant, deserves deposition.¹

Such a philosophy infuriated Elizabeth, was strenuously repudiated by Anglican divines,² and was indeed utterly disclaimed by the majority of continental reformers, including Calvin.³ But to those Scots who had welcomed the revolutions of 1560 and 1567 such a theory of resistance seemed a self-evident proposition. Buchanan and the ministers had already provided the theoretical justification for the revolution of 1567, and, although a great many protestants had in fact supported the queen at that point, it was impossible for those who had opposed her to justify that revolution and assert at the same time, as Elizabeth did in England and as James VI attempted to do in Scotland, that kings were responsible to God alone, that rebellion was altogether wicked and unjustified and that subjects could appeal only "by sobbes and teares to God" alone.⁴

1. Knox, in passing, refers to the "mutuall contract", Works, ii. 372; History, ii. 72.
2. E.g. Bilson, The True Difference Between Christian Subjection and Unchristian Rebellion, 1585.
3. The farthest Calvin was prepared to go was to assert that perhaps the three estates of the realm as inferior magistrates might check the licence of tyrants; Institutes, IV. xx. 31, (ed. McNeill) and n. 54; see also J.T. McNeill, John Calvin on God and Political Duty, xviii.
4. The Trew Law of Free Monarchies, in The Political Works of James I, ed. C.H. McIlwain, 61.

If reformers in Scotland had thus conceived the prince's rule in civil government to be distinctly, even severely, curtailed and limited by human and divine law alike, it was hardly surprising that they should have taken an equally critical view of any claims to supremacy within the church. What might be regarded as a clear enough indication of the church's hostile attitude towards such a style came in 1568. In that year, the Edinburgh printer, Thomas Bassandyne, without obtaining the magistrate's licence or church's permission, had succeeded in printing a book on the "Fall of the Romane Kirk" in which James VI had been named "supreame head of the primitive kirk". The general assembly's reaction was perhaps predictable: it insisted that Bassandyne "call in againe all the saids bookes that he hes sauld, and keip the rest unsauld untill he alter the forsaid title".¹

It might of course be argued that objection was taken not to the idea of royal supremacy as such but merely to the peculiar style, "supreame head of the primitive kirk", particularly when in 1572, as part of the government's policy of introducing an imported "Anglicanism" as the solution to the polity of the Scottish church, the king was acknowledged "supreme governor of this realm, as well

1. B.U.K. i. 125-6; Calderwood, ii. 423. No copy of Bassandyne's work is known to exist, but the work in question may conceivably be identified with Here begynneth a boke called the faull of the Romyshe church, c. 1540-1550, (S.T.C. nos. 21304-21307) to which Bassandyne may well have added a dedicatory preface to James VI.

in things temporal as in the conservation and purgation of religion",¹ a carefully worded and ambiguous statement, in the phraseology of the Confession of Faith of 1560, which avoided offending ministers' susceptibilities.

But, quite apart from these statements which permit of varying interpretations, there is documentary evidence which supports and confirms the tentative conclusions already reached that the church in the period prior to Melville's return was ill-disposed to accept or permit any notion of the supremacy of the crown in ecclesiastical affairs, a standpoint which in itself was but the translation into practice of the concept of the two sovereign jurisdictions.

In March 1573/4, according to one source, the regent had sought to obtain the church's acceptance of the royal supremacy in matters ecclesiastical by appointing a meeting at which Lawson, Erskine of Dun, Spottiswoode and Lindsay, representing the church, were required to debate with representatives appointed by the regent the proposition "whether the supreme magistrate should not be head of the church as well as of the common-wealthe". In the end the meeting broke up when the regent found "no appearance of obtaining that point", as a result of the ministers' refusal to make concessions.² There is no record of the proceedings of such a conference in the defective acts of assembly but there is mention of the assembly's appointment in

1. B.U.K. i. 220; Calderwood, iii. 184; cf. B.U.K. i. 212; Calderwood, iii. 175; R.P.C. ii. 129-130, 351. James VI, it may be added, evidently felt that such phraseology did not do justice to his kingly powers, for in 1612 he succeeded in altering the wording to "supreme governor of this realm, as well in matters spiritual and ecclesiastical as in things temporal", a statement which clearly allowed of only one interpretation; Calderwood, vi. 173.

2. David Hume of Godscroft, History of the House of Douglas, 334.

March 1573/4 of commissioners deputed to meet the regent and privy councillors, and with instructions, significantly enough, "to conferre and reason upon the heids concerning the jurisdiction and policie of the Kirk, and sick uther heids and articles as salbe proponit be his Grace and Counsell to them".¹ There is thus no sound reason to doubt the accuracy and authenticity of the report that the supremacy was in fact discussed and rejected. Indeed, another, strictly contemporary, source also makes explicit reference in March 1573/4 to the church's refusal to acknowledge any suggestion of royal supremacy, with the regent insisting that "the king and his counsell sould be supreme heid of the kirk under god", and the ministers, in turn, asserting that they themselves were "supreame heid of the kirk and that nane sould have jurrisdiction ovir thame bot thair sellffis and generall counsell under God".² Clearly, the revolution of 1567 had brought no nearer any recognition of the king's supremacy over the church, but instead had led to a narrowing of the headship over the church to the ministers alone.

What the reformers had gradually and painfully discovered was that royal control could be just as harmful to the true interests of the church as papal headship - a sentiment which Erskine of Dun appears to have endorsed in 1571 when he observed that "of old the Papists called the truthe heresie; and some now call the truthe treasoun".³ The conclusion would seem inescapable, therefore, that ministers in Scotland experienced no difficulty in denying the

1. B.U.K. i. 295, 296; Calderwood, iii. 307-8.

2. Lindesay of Pitscottie, The Historie and Cronicles of Scotland, ii. 313-314.

3. Calderwood, iii. 160.

proposition, itself of doubtful logic, that the king if head of the state should also be head of the church; and such an attitude was in itself fatal to the concept of the godly prince, supreme over all estates, as it had developed in England, for example, where such a theory had become a "fundamental principle"¹ of the Anglican settlement and constitution.

The reformers in Scotland, it is true, had unequivocally stated in their Confession of Faith that "the conservatioun² and purgatioun"³ of religion was principally the duty of princes and magistrates. Indeed, they maintained that any attempt to subvert civil government would incur not only the displeasure of men but the wrath of God Himself, for such an order was distinctly instituted by "Godis holy ordinance".⁴ Princes must therefore be held "in most reverent estimatioun", declared the authors of the Scots Confession, for they were the very "lieutenentis of God, in whose sessioun God him self doeth sitt and judge".⁵ Such a declaration was of course designed in part to reassure the godly government that a reformed church, despite its past performance, was not necessarily hostile to monarchy and established institutions.⁶ Yet if "princes and Reullaris" were to be regarded as God's lieutenants, they were lieutenants only while they "vigilantlie travaill in the executing of thair office".⁷

1. N. Sykes, Old Priest and New Presbyter, 2.

2. In the earliest known MS. "conversatioun" (*sic*, conservation) had been deleted and "reformatione" added. The parliamentary ratifications of 1560 and 1567 read "conservatioun"; see Knox, History, ii. 271 n.2.

3. Knox, Works, ii. 118 and n.1; History, ii. 271; A.P.S. ii. 534.

4. Ibid.

5. Ibid.

6. Cf. Knox, Works, iv. 324, 452-3.

7. A.P.S. ii. 534; Knox, Works, ii. 119; History, ii. 271.

What would result if they failed to act in a manner becoming God's lieutenants was left unsaid. The events of 1559, however, spoke for themselves.

To call kings the lieutenants of God did not necessarily suggest any extensive control over the church. Indeed, the reformers in Scotland held that princes ought to be called to account if they disobeyed God's ordinance precisely because they were the lieutenants of God on earth.¹ The honouring of princes and civil magistrates, as the Confession of Faith makes clear, was conditional: princes were to be obeyed only so long as "thei pas not ower the boundis of thair office".² In almost identical language, Goodman, the "greyt freynd" of Moray,³ had argued that though princes were undoubtedly God's lieutenants and must be revered for doing their duty, nevertheless they were also God's subjects and accordingly must be resisted if they abused God's power.⁴ Princes, Goodman declared, "are not to be compared unto God, whose Lieutenants onlie they should be": they ought only to "move and turne at his pleasure", for their duty was simply "to seke all means possible wherbie the glorie of God might be advanced".⁵ This was a proposition to which Knox returned in 1564 when he thus affirmed: "I find no moir privilege grantit unto Kingis be God, moir than unto the peopill, to offend Godis majestie";⁶ and it was a proposition which the general assembly

1. E.g. Knox, Works, i. 442; History, i. 250.

2. A.P.S. ii. 530; Knox, Works, ii. 106; History, ii. 264.

3. C.P.S. Scot. ii. no. 316.

4. Goodman, How Superior Powers Oght to be Obeyd, 58-9.

5. Ibid. 47.

6. Knox, Works, ii. 441; History, ii. 121.

likewise upheld, for in 1562 it maintained that "Kings ar but his lieutenants, having no power to give lyfe, quhare he commands death".¹

No one in Scotland, it would appear, denied that the prince must be obeyed in all things consistent with God's word, but it was quite another matter to suggest that God's word permitted royal supremacy or control over the church. The statement that the "conservation and purgation" of religion pertained to the prince did not automatically involve the belief that the prince had a free hand in directing church affairs. It was one thing to assert, as the Scots did in 1560, that the prince was obliged to suppress idolatry and maintain the protestant faith; but it was a very different proposition to suggest that the prince should have arbitrary or discretionary power in matters of religion. On the contrary, the reformers firmly believed that they were empowered by God, as interpreters of scripture, to decide the form the church should assume, and that it merely fell to the prince to implement what the law of God required.² The prince's task was simply to set forth God's glory within his dominions. To perform this function, the prince had of course "to knowe the will of God" and "to be instructed in his Lawe and Statutes".³ The underlying assumption was that no reasonable doubt could exist as to what the law of God required, and the further implication was that the ministers, as interpreters of God's word, would provide the necessary course of instruction. What reformers wanted was not the replacement of papal headship by a royal supremacy

1. B.U.K. i. 21; Calderwood, ii. 189.

2. Cf. Knox, Works, ii. 256-7; History, ii. 323.

3. Knox, Works, iv. 398.

but rather, in the words of the Book of Discipline, that the king would restore the church to its former liberty.¹

The prince was thus not free to prescribe laws to the church but rather obliged to protect it. This was a theme to which Erskine of Dun returned in 1571 when the government attempted to appoint bishops not in a manner imitative of Anglican procedure but without reference to the church at all. The issue itself caused a tremendous furore in which Erskine protested that:-²

"a greater offence or contempt of God and his kirk can no prince doe, than to sett up by his authoritie men in spirituall offices, as to creat bishops and pastors of the kirk; for so to doe, is to conclude no kirk of God to be; for the kirk can not be without it have the owne proper jurisdiction and libertie, with the ministratioun of suche offices as God hath appointed."

In his letter to the regent in November of that year, Erskine thus claimed for the church "that spirituall libertie which God hath givin unto it";³ and, again, on 13 December, in his "epistill wrettin to ane faythfull brother", he forcefully asserted once more that:-⁴

"the kirk of God hes the honour and preeminence above all thingis, it is fre above all creatouris, and all thingis ar subdewit unto it."

Clearly the "conservation and purgation" of religion, which reformers attributed to the prince, did not in itself imply any recognition of royal supremacy. It is, however, a fact of some significance that, in accordance with the teaching of Calvin and Beza,

1. Knox, Works, ii. 208-9, 256; History, ii. 295, 323.

2. Calderwood, iii. 158-159; Bannatyne, Memoriales, 200.

3. Calderwood, iii. 160; Bannatyne, Memoriales, 201.

4. Spalding Club Miscellany, iv. 93.

English puritans and Scottish presbyterians, as well as Anglicans, accepted the principle that the prince should conserve and maintain the true religion.

Calvin did indeed possess a high estimation of the magistrate's office, for he specifically acknowledged that the care and preservation of religion pertained to the prince and civil magistrate;¹ but he emphatically rejected a secular authority supreme over the church. Instead, he maintained that the church's "only Head is Christ, under whose government we are all united to each other, according to that order and form of policy which He Himself prescribed".² Not only had he denounced the papalist contention that under Christ another "ministerial head" might act as substitute on earth,³ but with equal resolution had forcefully attacked the "blasphemies" which had named Henry VIII "sovereign head of the church".⁴ Repudiating the very concept of earthly headship, papal or royal, Calvin insisted that "it is the right of Christ to preside over all councils, and not share the honour with any man. Now, I hold that he presides only when He governs the whole assembly by His word and Spirit".⁵

Beza, as Calvin's successor, likewise saw no incompatibility in assigning to the Christian prince the duty of reforming and defending the church,⁶ while asserting at the same time the completely separate

1. Institutes, IV. xx 3-4, 9; Letters, ii. 340.

2. Institutes, IV. vi. 9.

3. Ibid.

4. See R.H. Murray, The Political Consequences of the Reformation, 97.

5. Institutes, IV. ix. 1.

6. S.H.S. Miscellany, viii. 102; cf. Beza, Rights of Rulers, 83, cited in Michael Walzer, The Revolution of the Saints, 90; H.M. Baird, Theodore Beza, 63.

nature of the two jurisdictions.¹ Although he accepted that the Christian prince was "next after God, the keeper and defender of churches",² Beza did not admit of any supremacy over the church. Indeed, in commenting upon the shortcomings of the Elizabethan church, Beza had found to his horror "that the papacy was never abolished in that country, but rather transferred to the sovereign".³

In so far as they hoped their queen would implement and establish their own observations and recommendations on church polity, the English puritans were also prepared to assign to the prince the duty of protecting the church.⁴ Cartwright accordingly had stated that it was the prince's obligation:-⁵

"to see that the laws of God, touching his worship, and touching all matters and orders of the church, be executed and duly observed, and to see that every ecclesiastical person do that office whereunto he is appointed, and to punish those which fail in their office accordingly."

There was throughout, however, an underlying incompatibility between Calvinist politics and the doctrine of the sovereignty of the two jurisdictions, on the one hand, and the acceptance of royal supremacy over the church on the other. Indeed, the demands of Calvinist political theory were so all embracing as inevitably to create tensions with the civil power. Not surprisingly, therefore, the prevailing attitude within the Scottish church towards secular

1. Cf. S.H.S. Miscellany, viii. 103, 104.

2. Ibid. 109; cf. 104.

3. Zurich Letters, ii. 128.

4. Cf. A Second Admonition to the Parliament in Puritan Manifestoes, ed. Frere and Douglas, 85-6, 94.

5. Whitgift, Works, iii. 295.

authority in matters ecclesiastical corresponded more closely to Calvin's position than it did to the official standpoint within the Elizabethan church and government. As fellow Calvinists in discipline as well as theology, Knox and the Scottish reformers shared a concept of the church in common with such English radicals as Whittingham, Humphrey, Sampson, Gilby and Wilcox, and with such later puritans as Cartwright, Field and Travers.¹

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1. Knox's standing among Marian exiles in Geneva and among later English puritans was undoubtedly high. His writings, for example, were included in The Seconde Parte of a Register, (ed. A. Peel, i. 46); and to Field, in particular, who printed one of his sermons and who was anxious to obtain the rest of his works, Knox wrote "both godly and diligently, in questions of divinitie, and also of Church pollicie". (Knox, Works, iv. 92). It is of course true that Knox, a Scot in what was a foreign country, had accepted the ruling of the magistrates in England where in 1552 he had conformed upon obtaining three concessions to the accustomed English practice of kneeling at communion, but he had done so, as he himself explained, only "because I am but one, having in my contrair magistrates, common order, and judgements of many learned, I am not minded, for maintenance of that one thing, to gainstand the magistrates, in all other and chief points of religion agreeing with Christ and with His true doctrine, nor yet to break nor trouble common order". (Peter Lorimer, John Knox and the Church of England, 261). Again, when in 1568 Knox censured a group of English separatists who had told him: "We desire no other order than you hold", he was of course not condemning their puritan sympathies but rather their secession from the national church. (Lorimer, op. cit. 298-300; cf. Patrick Collinson, The Elizabethan Puritan Movement, 87-91; Jasper Ridley, John Knox, 462-3). Certainly, the official attitude of the Scottish church towards the vestiarian requirements in England had been made unmistakably clear when in 1566 the general assembly had decided that Knox should write on behalf of the church of Scotland to the bishops and pastors in England urging them to use restraint in their dealings with their nonconformist brethren. The letter, were it to have the desired effect, would obviously require to be moderate and conciliatory in tone, but this did not prevent Knox from including some pertinent comments, not the least of which was his telling observation that civil authority had not always the light of God shining before its eyes but savoured all too often of worldly wisdom. Indeed, there could be no doubts as to where Scottish sympathies lay: the letter itself referred to "our deirest brethren", "some of the best learnit within that realme" who had been deprived, and it spoke of "these godlie and our belovit brethren" who had felt in conscience bound to reject the "unprofitable apparrell", which is variously identified with "Romish ragges" and "badges of idolaters". (B.U.K. i. 85-88).

Cartwright's analogy in which he compares church and state to the twins of Hippocrates who "were sick together and well together, laughed together and weeped together, and always like affected"¹ can indeed be closely paralleled to Knox's conception of church and state as the twin albeit separate pillars of a Christian commonwealth; and both Knox's and Cartwright's utterances on the subject can likewise be closely related to James Melville's description in 1586 in which he compared the twin jurisdictions to "two loving and most inteere sisters" who "goe alwayes together, for their mutuall confort and pleasure; yea, even as the twinnes of Hippocrates, that so were joynned in a nature and sympathie, that when one of them leughe or mourned, the other was incontinent moved to the same affectioun also."²

"Melvillians" no less than "Knoxians" believed in a state supported church. As a presbyterian, James Melville had thus insisted:-³

"it was never the judgement, doctrine, or replyes of anie of the ministrie of Scotland, that maters ecclesiasticall perteanned nothing to the king or Christian magistrat; but contrariwise, that first, and above all things, the Christian magistrat ought to have care of religioun, and maters perteaning to the kirk, and employ his authoritie and power to the wealefare and good estat thereof; and that he is the minister and lieutenant of God, who has received the sword, cheefelie, to that effect."

On the fundamental issue of church-state relations, little difference,

1. Whitgift, Works, i. 23.

2. Calderwood, iv. 507-8. The analogy of Hippocrates' twins had also been made by Calvin; see Duncan Forrester "Martin Luther and John Calvin" in History of Political Philosophy, ed. Strauss and Cropsey, 288.

3. Calderwood, iv. 507; cf. 519.

if any, can be detected between Knox and Melville. "Knoxians" and "Melvillians" alike shared a common vision and ideal. Like Melville and Cartwright, Knox was, in truth, a man of radical conscience and a dedicated theocrat. He did not necessarily believe that the church should predominate over that state (though in practice his views amounted to this) but what he did strive for was the recognition that God's law must ultimately prevail and be universally accepted. In achieving this goal, the rule of God on earth, Knox was prepared to adopt any approach no matter how pragmatic or opportunist it might appear.

At the same time, however, Knox's doctrine of the church, even on the most cursory examination, reveals that same theocratic content which was to characterise Melville's thought and outlook, for in the final analysis, having freed the church from the tutelage of the papacy, neither was prepared to leave the church's government in the hands of the civil magistrate. In opposing the pope and proud prelates of the old order whom he wished to see swept from power, Knox had turned initially, as had reformers throughout Europe, to the prince and civil magistrate whose duty was, he emphasised, as God's lieutenant to reform and maintain the church in accordance with God's word. In December 1557, Knox had thus declared:-¹

"we affirme that na power on earth is above the power of the Civill reular; that everie saule, be he Pope or Cardinall, aught to be subject to the higher Poweris. That thair commandementis, not repugning to Godis glorie and honour, aught to be obeyit, evin with great loss of temporall thingis."

1. Knox, Works, iv. 324.

Yet Knox did not allow the prince that freedom, or even that latitude, to establish what form of religion he thought fit. It was not sufficient in matters of religion that anything be done which was not contrary to scripture: what was required was that no action be taken unless it was positively warranted and commanded in scripture.¹ For Knox, "in religioun thair is na middis: either it is the religioun of God, and that in everie thing that is done it must have the assurance of his awn Word, and than is his Majestie trewlie honourit, or els it is the religioun of the Divill, whilk is, when men will erect and set up to God sic religioun as pleaseth thame".² In 1558, in his Exhortation to England, Knox had thus admonished the English accordingly:-³

"Let not the King and his proceedinges (whatsoever they be), not agreable to his Worde, be a snare to thy conscience. O cursed were the hartes that first devised that phrase in matters of religion, whereby the simple people were broght to one of these two inconveniences: to wit, That either they dyd esteeme everie religion good and acceptable unto God, which the King and Parliament dyd approve and commande; or els, that God's religion, honor, and service, was nothinge els but devises of men."

In countries where the reformation had been effected through the agency of the crown itself, the prince might successfully determine the religious allegiance of his subjects, but the position was all too clearly reversed in Scotland where the reformers had attempted to impose their religious persuasion upon the prince.

Hitherto Knox had placed his faith in princes; but when he

1. Cf. Knox, Works, i. 197; History, i. 91.

2. Knox, Works, iv. 232.

3. Ibid. v. 515.

saw around him princes unwilling to repent and acting moreover in a manner unworthy of God's vicegerents, he looked elsewhere and to other parts of the constitution for support. His observation that "oft it is that Princes ar the most ignorant of all otheris in Goddis treu Religioun"¹ had driven him to the painful conclusion that princes must either be reformed or else all good men must depart from their service.² If the prince attempted to usurp God's rule and annul His laws then he must be regarded as an enemy to God and not only unworthy to reign but deserving death as an idolater and destroyer of God's true religion.³ Knox thus developed his argument from his original contention that the reformation pertained to more than bishops and clergy and logically proceeded to assert with equal vigour that the cause of religion lay with more than the prince. Accordingly, he called upon the nobility as born councillors and lesser magistrates to bridle the fury and rage of idolatrous and ungodly monarchs.⁴

Yet to his disgust, Knox quickly realised that the nobles themselves were all too often uncommitted and untrustworthy: they were as liable as pope or prince to abrogate God's law and frustrate His work on earth, claiming for themselves that patrimony which rightly belonged to the church alone.⁵ Knox, therefore,

1. Knox, Works, ii. 281; History, ii. 16.

2. Knox, Works, iv. 327.

3. Knox, Works, v. 516; cf. Goodman, How Superior Powers Oght to be Obeyd, 58-59, 139-140.

4. Knox, Works, iv. 490; Works, i. 411; History, i. 227; cf. Goodman, How Superior Powers Oght to be Obeyd, 35.

5. Knox, Works, ii. 128; History, i. 344.

turned to the people, the community at large, and urged them to action that they too might play their part in controlling nobles and princes alike. In his Letter to the Commonality of Scotland in 1558, Knox thus affirmed:-¹

"Neither would I that ye should esteme the Reformation and care of Religion lesse to appertain to you, because ye are no Kinges, Rulers, Judges, Nobils, nor in auctoritie."

An insight into this developing struggle between the advocates of revolution from below and the attempts of the queen and nobility to retain political control is all too clearly reflected in Lethington's debates with Knox, during which the latter firmly insisted that the right to take the life of an idolatrous prince lay with "the peopill of God".²

Once more, however, Knox feared and distrusted mere "popularity". He knew full well the limitations of the people and had already experienced the worst excesses and wanton violence of the "rascal multitude".³ His final aim was therefore, through discipline, to raise the church supreme above all. "My travell", he declared in 1561, "is that boyth princes and subjectis obey God", for all mortals alike must be subject "unto God, and unto his trubled Church".⁴ Such an aphorism sums up Knox's whole

1. Knox, Works, iv. 526; see also Works, iv. 501, 507; Works, ii. 442-3, 452; History, ii. 122, 128; cf. Goodman, How Superior Powers Oght to be Obeyd, 142.

2. Knox, Works, ii. 441; History, ii. 120. "The people of God" is a recurring theme in the writings of Knox and Goodman, e.g. Knox, Works, ii. 453; History, ii. 129; Goodman, How Superior Powers Oght to be Obeyd, 35.

3. Knox, Works, i. 322; History, i. 162; cf. Works, ii. 155, 164, 396; History, i. 355, 362; ii. 88.

4. Knox, Works, ii. 283; History, ii. 17.

approach. He was prepared to employ any steps he felt justified to achieve his ultimate objective - the subjection of prince and people alike to God's holy ordinance as revealed in scripture. He was ready, that is, to forego what was of secondary importance for what was fundamental.

The crucial issue, therefore, of whether Scottish reformers allowed any earthly authority supremacy over the church can also be readily resolved, in the final analysis, by posing the related question of whether in fact reformers believed a godly prince was subject to, or exempt from, the censure of the church. Clearly, any king who was liable to ecclesiastical discipline could not be said to possess any supremacy over the church. George Withers had of course raised the whole subject, in a European context, in his famous disputation with Erastus at Heidelberg in 1568 in which he argued that "to a minister with his eldership power is given by the law of God to excommunicate whomsoever, yea even kings and princes themselves".¹ Against such a standpoint, Anglican apologists maintained that the Christian prince by virtue of his supremacy over the church was altogether exempt from excommunication and all ecclesiastical censure. As the highest magistrate within the land, the king could have no earthly peer and accordingly could be judged by none save God alone. Whitgift, for one, had denied the puritan contention that the prince should be subject to the church;² and, summing up the tradition of his

1. Cf. Hooker, Of the Laws of Ecclesiastical Polity, Perface, ii. 9.

2. Whitgift, Works, iii. 189-192.

church, another Anglican concluded thus:-¹

"It cannot therefore stand with the nature of such sovereign regiment that any subject should have power to exercise on kings so highly authorized the greatest censure of excommunication, according to the platform of Reformed Discipline."

Predictably enough, Cartwright and his fellow puritans in England, in the end, denied to the prince supreme power over the church.² Their attachment to that "platform of Reformed Discipline" was such that they felt in conscience bound to insist that the soul of the prince as well as people was committed to the church's charge and care. Accordingly king and magistrate were required to submit themselves to the authority of the church in ecclesiastical matters. For Cartwright, princes "must remember to subject themselves unto the church, to submit their sceptres, to throw down their crowns, before the church, yea, as the prophet speaketh, to lick the dust of the feet of the church".³ It is not surprising, therefore, that Cartwright should declare: "that princes should be exempted from ecclesiastical discipline and namely excommunication, I utterly mislike".⁴

The Scottish solution to this question, however, had been resolved long before Withers ever penned his doctoral thesis; and in so far as the theories of English puritans impinged upon developments in Scotland, they could only have confirmed existing

1. Hooker, Of the Laws of Ecclesiastical Polity, VIII. ix. 6.

2. Cf. Whitgift, Works, iii. 296, 297, 510.

3. Ibid. iii. 189.

4. A.F. Scott-Pearson, Church and State, 27, citing The Rest 65.

thought and practice. Scottish attitudes had obviously been strongly influenced by the opinions and teaching of Oecolampadius, Bucer and Calvin, all of whom had stressed the importance of providing for the church a disciplinary authority independent of the state.¹

Calvin himself had required that none be exempt from the church's discipline, for "it is the discipline of Christ, to whom all sceptres and diadems should be subject". He therefore insisted that:-²

"Great kings should not think it a disgrace to them to prostrate themselves suppliantly before Christ, the King of kings; nor ought they to be displeased at being judged by the Church. For seeing they seldom hear anything in their courts but mere flattery, the more necessary it is that the Lord should correct them by the mouth of his priests. Nay, they ought rather to wish the priests not to spare them, in order that the Lord may spare."

For Calvin, "the magistrate, if he is pious, will have no wish to exempt himself from the common subjection of the children of God, not the least part of which is to subject himself to the Church, judging according to the word of God".³

It was no doubt with such a pattern in mind - the example of the "best reformed churches" - that the Scots roundly declared:

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1. Jacques Courvoisier, La Notion d'Eglise chez Bucer, 24, 34-40, 97; Henri Strohl, "La Theorie et la pratique des quatre ministeres a Strasbourg avant l'arrivee de Calvin, Bulletin de la societe de l'histoire du protestantisme francais, (1935), lxxxiv. 432ff; J.T. McNeill, The History and Character of Calvinism, 80-4, 138, 177.
 2. Institutes, IV. xii. 7; cf. IV. xi. 4.
 3. Institutes, IV. xi. 4.

"disciplin is ane part of owr relegion".¹ The Scottish Book of Discipline, drawn up for the benefit of a godly government, was categorical in its statement that "to Discipline must all Estaitis within this Realme be subject, yf thay offend, alsweil the Reullaris as thay that are reulit".² Earlier in 1558, Knox had likewise indicated his belief that God's word permitted none be he of high or low estate to be exempt from the yoke of discipline; and insisted, moreover, that it pertained to Christ's ministers to admonish the prince and subject him to the discipline of the church if he usurped his authority and attempted to alter one jot of that true religion which God had commanded.³ In 1561, Knox once more voiced his conviction that the prince was subject to God and His "trubled Church";⁴ and in the following year he bluntly informed his queen that he was appointed by God as a minister to rebuke the sins and vices of all alike. "Ye shall fullie understand", Knox thus explained, "boyth what I like and myslike, als weall in your Majestie as in all otheris".⁵ Again, in his debate with Lethington in 1564, Knox came to the heart of the matter: "God", he declared, "is the Universall Judge, alsweill unto the King as to the peopill; so that what his worde commandis to be punischit in the one, is nocht to be absolved in the uther".⁶

1. R.St.A.K.S. i.270.

2. Knox, Works, ii. 233; History, ii. 309.

3. Knox, Works, v. 516-20.

4. Knox, Works, ii. 283; History, ii. 17.

5. Knox, Works, ii. 334; History, ii. 45-6.

6. Knox, Works, ii. 441; History, ii. 121.

This same attitude is strikingly reflected in the proceedings of the general assembly which resolved that the civil magistrate must be subject to the rule of Christ and accordingly cannot be exempt from excommunication.¹ In 1571, Erskine of Dun again underlined this basic conception. He claimed, as did Calvin, that the powers of this world existed for the benefit of the church to whose jurisdiction all men must submit. The ministers, he contended, possessed an office above that of all others; and he argued that kings had no power to alter that order which God had appointed in His church. It thus fell to the ministers to reprove and withstand princes who interfered in matters pertaining to the church's jurisdiction.²

When the assembly thus upbraided James VI in 1596 for "banning and swearing" and censured his queen for "night walking" and "balling",³ it was plainly establishing no novel trend but simply reaffirming those principles of reformed thought and practice which Knox had bequeathed to the church of his successors. Reverence for monarchy was perhaps a less obvious quality of life in Scotland than elsewhere. Reformed opinion in Scotland gave the prince no immunity from church discipline and in accordance with this principle denied him supremacy over the church. On matters of religion, therefore, the ministers remained the final arbiters. Clearly, if the king's authority consisted of nothing

1. B.U.K. i. 16, 195; Calderwood, ii. 186; iii. 37.

2. Spalding Club Miscellany, iv. 93, 99; Calderwood, iii. 158-162.

3. B.U.K. iii. 873; Calderwood, v. 408-409.

other than protecting the church and implementing that which God required, as interpreted by the ministers, then to call his participation "royal supremacy" would seem altogether inappropriate and quite misleading.

The very existence of the general assembly did in itself constitute a further obstacle to the emergence of any theory of royal headship. As James Melville aptly observed, the general assembly's proceedings had throughout impaired and limited the king's jurisdiction; and, as such, prevented him from being "a frie King and monarche, haiffing the rewell and power of all Esteates".¹

Knox's insistence in 1558 that the king had no greater power over matters of religion "then becometh a membre of Christ's body"² was reflected not only in the Congregation's letter of 6 May 1559,³ but had its counterpart in Cartwright's declaration that the prince though a "great ornament" to the church, was "but a member of the same";⁴ and both Knox's and Cartwright's observations can of course be closely paralleled with Andrew Melville's views that in Christ's kingdom, the prince was no "heid, bot a member".⁵ It was indeed precisely this attitude towards the church and its ministry which bishop Sandys had attacked in 1573 when he complained to Bullinger that the English puritans would have the civil magistrate become "only a member of the church".⁶

1. Melville, Diary, 61.

2. Knox, Works, v. 519.

3. Spalding Club Miscellany, iv. 89.

4. Whitgift, Works, iii. 390.

5. Melville, Diary, 370; Calderwood, v. 440.

6. Zurich Letters, i. 295.

The similarities between Knox and Melville were indeed greater than their differences. Thus, whether reformers described church and state as twin pillars, or two kingdoms, the theories behind the terminology did of course remain precisely the same. Belief in the separation of the two jurisdictions, for which Scottish reformers contended, carried with it an implicit recognition, as Whitgift made abundantly clear in England, that such a viewpoint would "divide one realm into two" and "spoil the prince of the one half of her jurisdiction and authority".¹ Thus, in Scotland, Knox and Melville, each in his own way, shared and upheld the Calvinist tenet that the spiritual kingdom of Christ and government of the church were wholly independent of the state and in no way subject to the prince's dictates.

1. Whitgift, Works, ii. 264; cf. i. 21.

Chapter 6

ANDREW MELVILLE: THE MAN AND THE MOVEMENT

"With all earnestnesse, zeale, and gravitie, I stand for the caus of Jesus Christ and his kirk."

(Andrew Melville, 1584; Calderwood, iv. 10.)

Part 1. Scotland, Geneva and Andrew Melville

Classical presbyterianism, which had its foremost exponents in Britain in Thomas Cartwright and Andrew Melville, was a truly international movement which owed much of its allegiance, strength and inspiration to the Geneva of Theodore Beza. Much of what was basic to presbyterian theory had been implicit in the teaching and writing of Calvin but it fell to Beza, as his appointed successor, explicitly to expound these doctrines with a dogmatism and single-minded devotion which was in large measure absent from his predecessor, and it was with considerable vigour that the Genevan propounded the viewpoint that the valid means of discipline strictly resided within the "lawfully appointed presbytery" or eldership.¹ Indeed for Beza, and his disciples, a church without discipline was "nought but a schoole of all wickednes and a licentious life";² and according to their own definition it was only in a church which possessed an eldership or presbytery that discipline, rightly exercised, could be said to exist.³

1. Zurich Letters, ii. 129; Beza to Grindal, 1566, in Puritan Manifestoes, 54. See also below, 323ff.

2. The Seconde Parte of a Register, ed. A. Peel, i. 56, cf. 64, 98.

3. E.g. Beza's reply to Erastus, Tractatus Pius et Moderatus de vera Excommunicatione et Christiano Presbyterio.

While adopting such a standpoint which he firmly believed to be in keeping with the model and simplicity of the apostolic church, Beza nevertheless did not at once raise any doctrinaire objection to the presence of individual overseers within the church. He had after all commended to the Scottish church for its approval the second Helvetic Confession of 1566,¹ which recognised within the church's structure the existence of bishops or "overseers and watchmen" as distinct from pastors of individual congregations,² and, in practice, Beza voiced no disapproval of the office of superintendent as it existed within the Scottish church. When in 1566 he censured the "assumed power" of the English bishops as "abominable" and "extravagant",³ Beza at that stage was not rejecting individual oversight in principle but was attacking only one particular variety of episcopacy and the substance of his criticisms in any event was directed at correcting the defects or abuses which he perceived to exist within the episcopate as it stood in England. In 1566, Beza had clearly not given up hope that the "godly bishops" of England, if reminded of their duties and responsibility, might execute their office aright,⁴ and, indeed, it was only after the lapse of a further ten years that Beza finally came to condemn diocesan episcopacy outright in his De triplici episcopatu as an office intrinsically unlawful and

1. Cf. Knox, Works, vi. 544-550, 562.

2. Cap. XVIII. 5; Schaff, The Creeds of the Evangelical Protestant Churches, iii. 279.

3. Zurich Letters, ii. 129.

4. Zurich Letters, ii. 129-135.

altogether without scriptural foundation.¹ Yet, no matter how pragmatic it might appear, as late as 1591, in his correspondence with Whitgift, Beza still felt it possible without total loss of credibility to state that he hoped the bishops of England might "continue and maintain for ever their right and title to the government of the Church, with all equity and Christian moderation".² When all else had failed, Beza, it would seem was prepared in the end to tolerate, or at least so he professed, the existence of episcopal government in England.

Through his teaching, writings and correspondence, Beza communicated his theories to an exceedingly wide public. As a participant in and a counsellor of the French reformed church, Beza's prime concern had lain with the organisation of French protestantism where a strictly presbyterian polity had evolved. Not only had he delivered the French Confession of Faith to Charles IX at Poissy in 1561 but he also presided over the national synods of the French reformed church at La Rochelle in 1571 and at Nimes in 1572.³ Yet during the first decade of the Scottish reformed church, the Genevan had not been remiss in keeping in touch with developments in Scotland. His friendship with Knox throughout the 1560's had been longstanding and the latter in turn had acknowledged his debt to Geneva and to Beza by quoting with approval Beza's theological writings in his

1. S.H.S. Miscellany, viii. 102-4.

2. F.J. Smithen, Continental Protestantism and the English Reformation, 146; J.T. McNeill, The History and Character of Calvinism, 315; cf. Bancroft, A Survey of the Pretended Holy Discipline, (1593), 134-5.

3. Paul-F. Geisendorf, Theodore de Beze, 125-166, 302-5; H.M. Baird, Theodore Beza, 153-187, 246-7, 254.

own treatise on predestination, published in Geneva in 1560.¹

Apart from the influence of his works, Beza's own correspondence with Scotland was in all probability not insignificant. An indication of Scottish contact with Beza's Geneva is reflected in Beza's letter to Bullinger in Zurich in December 1566 in which the Genevan went so far as to enclose "a specimen of the very extensive correspondence of Knox, from which you will learn the entire condition of Scotland".² That same year had also witnessed the general assembly's reply, on behalf of the church of Scotland, to a letter which Beza had sent to Knox requesting the Scottish church to record their approval of the Helvetic Confession of 1566.³ Again, in 1569, Beza had been in correspondence once more with the "restorer of the Gospel among the Scots, his venerable brother and fellow minister", John Knox, to whom he presented a copy of his treatise on marriage and divorce, along with a second copy which he bade Knox give to George Buchanan;⁴ and there is evidence that Beza corresponded with Buchanan too.⁵

A keen Scottish interest from an early date in Beza's writings and in the fortunes of French protestantism is testified, for example, by the publication of Beza's Oration made at the colloquy of Poissy in September 1561, and printed by Lekprevik in Edinburgh the same year; and, secondly, by Ane Answer made the fourth day of

1. Knox, Works, v. 38, 184, 229.

2. Knox, Works, vi. 550.

3. Zurich Letters, ii. 362-5; Knox, Works, vi. 544-550.

4. Knox, Works, vi. 562-5.

5. Beza, Epistolae Theologicae, no. lxxviii., p. 343; Buchanan, Epistolae, (1711 edn.), 22-23, 41-43, 72-73.

September 1561, translated from the French by John Baron, as the preface indicates, for the benefit of the godly in Scotland, and published by the same printer in Edinburgh in 1562.¹

For Beza, therefore, there was as yet little need for any intervention in, or admonition to, a church which from its creation had the closest of ties with Geneva; a church, that is, in which the eldership already existed as an indispensable element; and a church, moreover, wherein the superintendent was subject to the censure of his fellow ministers and elders and whose office was strictly constitutional, operating from within the structure of reformed church courts. It was not indeed until 1572 when a formal episcopate had emerged in Scotland that Beza warned Knox of the inherent dangers which he detected within such a system, and though he might praise "the purity of doctrine" and "rule of strict discipline, neglected by so many nations" which the church of Scotland professed, he felt bound nevertheless to remind Knox that just as "Bishops brought forth the Papacy, so will false Bishops (the relicts of Popery) bring in Epicurism into the world" and accordingly bade the Scottish church to "avoid this pestilence" and on no account to "admit it again, however it may flatter by the pretence of preserving unity".² Beza's letter, however, arrived in Scotland several months too late, for the Scots had already

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1. S.T.C. nos. 2026, 2000. Copies of the two works are to be located in the N.L.S. Baron, who translated the latter work, was resident with Knox in Geneva and later became minister of Galston in Ayrshire in 1563; Knox, Works, vi. 534n.
 2. Knox, Works, vi. 613-15; Beza, Epistolae Theologicae, no. lxxix, p. 344-6.

accepted the Leith agreement. Yet the message itself which Beza spelt out may not have gone unnoticed.¹

It was indeed in England rather ^{than} in Scotland that the necessity for Beza's intervention had become infinitely more urgent as puritan and presbyterian appealed to Geneva and to the reformed churches abroad against their adversaries at home; and the advice which England received from Geneva was unequivocal: it was the duty of English Christians to follow the example and government of the church of the apostles, so the Genevan pastor declared, for since "God hath given you the priviledge to build and to choose mynisters, elders and deacons, and to refuse a false uniformity", it was no "sufficient discharge to remaine in open and manifest impurity and deformation because the magistrates stay you".²

As the inheritor of Calvin's system of church government, Beza had thus assumed the leadership of the Calvinist cause throughout Europe, and in Geneva he was strategically placed to become the principal spokesman and protagonist on an international plane of presbyterian theory and discipline. Thus wherever the influence of Geneva reached far and deep, Beza's views won wide acceptance. Held in esteem as an "oracle of the Christian world", the Geneva of Calvin and Beza had accordingly attracted within its confines an international group of scholars which had its representatives, amongst others, in the early 1570's in two Englishmen and a Scot - Thomas Cartwright, Walter Travers and Andrew Melville -

1. See below, 208-209.

2. The Seconde Parte of a Register, i. 62.

who were to exercise each in his own way a profound influence upon the future development of the presbyterian movements within their respective countries.

Cartwright, as early as 1570, had given tangible expression to presbyterian theory in England in a series of lectures delivered at Cambridge,¹ which had resulted, predictably enough, in his dismissal from the Lady Margaret chair of divinity and in his subsequent departure to the more invigorating and exhilarating atmosphere of Geneva, where he and the Flemish van Til had sought and gained admittance to the Genevan consistory that they might observe at first hand "l'ordre qu'on y tient et y profiter et s'en servir non seulement aux gouvernements de leurs Eglises, mais aussi pour répondre a ceux qui parlent de nostre Consistoire autrement qu'il ne fault".² With Cartwright in Geneva, as fellow residents, were Walter Travers and his brother, Robert; and it was during his Genevan stay, significantly enough, that Travers produced his Ecclesiasticae disciplinae ... explicatio.³ For Cartwright and Travers, Geneva was clearly to be no mere idle refuge but a city wherein they could study at close quarters the example of one of the "best reformed churches", a source from which they could absorb an undiluted Calvinism and a base from which they could launch forth a sustained and unrelenting attack upon the whole government of the church of England.

1. Cf. Whitgift, Works, iii. 598-600.

2. Registres de la Compagnie des Pasteurs de Geneve, ed. Fatio and Labarthe, (Geneva, 1968), iii. 49.

3. S.J. Knox, Walter Travers, 28-29.

Unlike Travers who prepared his magnum opus for the puritan world during his Genevan visit, Andrew Melville, the third member of this academic coterie, remained true to form and committed none of his views on ecclesiastical polity to print,¹ employing his talents instead by teaching humanity in the city college,² but his interest in Travers' treatise must have been substantial for after his return to his native Scotland he presented a copy of the Explicatio to Alexander Arbuthnot, principal of King's college, Aberdeen, with a commendation, no doubt, of the presbyterian principles contained therein.³ That these three men who were to expound presbyterian theory in Britain should thus have fallen under the influence of Beza's Geneva is clearly of some significance, for in that city they were provided in full measure with an unrivalled opportunity for observing and experiencing for themselves the operation of the system which Calvin had bequeathed to Geneva; and if Cartwright and Travers can with justice be described as the "head" and "neck"⁴ respectively of the presbyterian party in England, Andrew Melville ought no less to be regarded - to supplement Fuller's picturesque analogies - as the very heart of the Scottish presbyterian movement.

Yet, oddly enough, what is known of Melville's career hardly

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1. Melville's Carmen Mosis, Basle 1573 bears a date at which Melville was resident in Geneva. Cf. M'Crie, Life of Andrew Melville, (1899 edn.), 447.
 2. Melville, Diary, 41-42.
 3. A.F. Scott Pearson, Thomas Cartwright and Elizabethan Puritanism, 142.
 4. Thomas Fuller, Church History of Britain, IX. iv. 19.

supports the view that Melville possessed any ardent desire to visit Calvin's city, or that he originally entertained any passionate interest, for that matter, in studying the Genevan system at first hand. His earlier work, after all, had been carried out in France rather than in Switzerland, and indeed his immediate preoccupation seems to have lain in the field of the humanities rather than in the study of divinity. Having left Scotland in 1564, Melville had chosen of his own accord to study not in Geneva but in France where he spent a full five years, first as a student at Paris and later as a university lecturer in Poitiers; and it was only with the resumption of the religious wars in France and the siege of Poitiers that Melville had been compelled to seek refuge in Geneva.¹ Had different political conditions prevailed, the probability is that Melville might well have been content to remain in Poitiers, or at least in France, without ever having visited Geneva.

It was, however, to Geneva and to Beza that Melville owed much of his theological training. His earlier education, after all, had been predominately in arts: at St. Andrews he had graduated "the best philosopher, poet, and Grecian, of anie young maister in the land" and in Paris, having developed a rare and distinct passion for classics, "he grew sa expert in the Greik", so it was said, "that he declamit and teatchit lessones, uttering never a word bot Greik, with sic readines and plentie, as was mervelus to the heirars".² Even at Poitiers, where he may have shown some inclination towards the study of divinity, his absorption seems to

1. Melville, Diary, 39-42.

2. Ibid. 40.

to have been with law and the study of jurisprudence; and, again, it was his classical learning, no less, which had secured him an appointment to teach humanity in the Genevan college.¹ If Melville did show signs of a serious devotion to theology at Poitiers, it must have been apparent that Poitiers, a city besieged by the protestant Coligny and defended by the Catholic duke of Guise, was no fit place to pursue an interest in divinity, and it was only in Geneva where he attended Beza's "daylie lessons and preatchings" that Melville finally made divinity "his chieff studie".²

But if Melville's arrival in Geneva was by force of circumstances accidental rather than by design, his subsequent departure for Scotland was no less fortuitous. During his absence, which lasted a decade, Melville seems to have corresponded exceedingly little with his native Scotland; and certainly during his five year Genevan stay contemporaries at home had heard nothing from him and had consequently feared he had become a victim of the religious strife in France. When word came at last that Melville was living in Geneva, his countrymen, who had failed to secure for Scotland the services of Henry Scrimgeour, his relative and professor of law at Geneva, finally prevailed on Melville to return, but it was not without considerable persuasion that Melville left Geneva, which may suggest the absence rather than the presence of any missionary zeal on Melville's part.³ What pattern ecclesiastical developments

1. Ibid. 41-42.

2. Ibid. 42.

3. Melville, Diary, 30, 42; G.U.L. Wodrow MS. Biographies, Life of Henry Scrimgeour, vol. 3, fos. 5-9.

in Scotland might have taken had neither Knox nor Melville left Geneva for Scotland is certainly a subject worthy of reflection but a subject no less on which it would be unprofitable to speculate. But there is certainly no reason to suppose that Melville left Geneva with a view to establishing "presbyterianism" in Scotland; and indeed his object in returning, it should be borne in mind, was not to revise the polity of the kirk but rather to revive and reorganise university education in post-reformation Scotland.¹

The church to which Andrew Melville returned in 1574 had not remained static but had undergone considerable development in the ten years of his absence abroad. Yet, as it had evolved over the first decade of its history, the structure and government of the Scottish church had remained simply reformed, and cannot be said to have been either presbyterian or episcopalian in form. In essence, the church's polity was one which might well be described as fundamentally conciliar or synodical in character, for in the final analysis the process of government was conducted within the context of a series of church courts or councils. The very existence of machinery which provided a system of appeal from the kirk session and superintendent's court to the synod and thence to the general assembly² reflects a conscious attempt and a deliberate policy on the part of the church to centralise its government and the management of its affairs within a graduated series of reformed church courts.

1. Cf. Melville, Diary, 45.

2. B.U.K. i. 32-33; Calderwood, ii. 225; R.St.A.K.S. i. 328, 334-5; cf. B.U.K. i. 158.

For the performance of his many and varied duties, a large measure of authority and responsibility had undoubtedly been delegated to the superintendent or commissioner from the church in general and from the general assembly in particular. Yet the activities of the superintendent or commissioner were at each point closely scrutinised: he was without question subject to the censure of his fellow ministers and elders as the Book of Discipline makes plain;¹ he was in certain circumstances subject to the judgment of the kirk session which comprised his own regional court;² he was certainly answerable to the provincial synod;³ and he was also subject to the overall supervision of the general assembly which as the highest court of the church characteristically began its proceedings by formally examining the life and diligence of each superintendent and commissioner.⁴ At a slightly later stage, the books of visitation of superintendents and commissioners were committed by the assembly to a committee of ministers for inspection;⁵ and throughout the period under discussion there is abundant evidence that the superintendent was likewise expected to rule not as an

1. Knox, Works, ii. 207; History, ii. 294; cf. B.U.K. i. 266; Knox, Works, ii. 147; History, ii. 275.

2. B.U.K. i. 264; R.St.A.K.S. i. 82-89.

3. Knox, Works, ii. 207; History, ii. 294; B.U.K. i. 266; cf. B.U.K. ii. 364.

4. B.U.K. i. passim.

5. B.U.K. i. 124, 184, 256, 271, 288, 300, 313, 320 etc. The occasional laird or commissioner to the assembly did gain admittance to the aforesaid committee but the ministerial element remained dominant and normally the committee in this pre-Melvillian period was exclusively ministerial in composition.

individual in isolation but rather with the assistance of his fellow ministers.¹ The device was frequently adopted of attaching several "assessors" to the superintendent, as counsellors and advisers, to aid him in his work;² and, indeed, on occasions the roles were reversed when it was the superintendent himself who assisted the minister and kirk session.³

But even to characterise the system thus as a strictly constitutional episcopacy fails to do justice to, or take sufficient cognisance of, the central elements of the polity. It is at any rate plain that the existence of the general assembly presided over by a moderator elected for the occasion by the whole body represented a practice which some may find it hard to reconcile with episcopal government. It appears that, whereas down to 1568 the moderator was all but invariably a superintendent, after that date (when the assembly seems to have undergone a number of changes) the selection was much wider. Acceptance of individual oversight at regional level apparently did not preclude the rejection of imparity at national level.

On his homecoming, therefore, Melville witnessed a church whose structure permitted the existence of a series or gradation of reformed church courts into whose jurisdiction the whole government of the church was ultimately committed. Church government in

1. B.U.K. i. 29, 75, 193, 195, 237, 241, 284; Calderwood, ii. 208, 302; iii. 35-6, 300; R.St.A.K.S. i. 110, 140, 143, 145, 151, 168, 183, 184, 188, 189, 190, 221, 229, 231, 233, 251, 271, 278, 308, 315, 318, 319, 331, 343, 362.

2. Knox, Works, vi. 450; R.St.A.K.S. i. 257; B.U.K. i. 161; Calderwood, ii. 540; cf. Calderwood, ii. 424; cf. B.U.K. i. 17, 19, 113; Calderwood, ii. 186, 394; C.S.P.Scot. i. no. 1136.

3. Eg. Knox, Works, ii. 364-5; History, ii. 66; R.St.A.K.S. i. 334.

Scotland, in other words, lay in the final analysis not with individuals but was conducted from within a framework of courts or committees composed of ministers and laymen. What is equally significant, and a fact which deserves emphasis, is that Melville also returned to a church whose constitution had still to be finalised. That there was continuing discussion obviously proved instrumental in moulding the church's polity in the direction of a more thoroughly presbyterian constitution and in launching the Melvillian campaign to a successful start.

An expression of the kind of constitution which the reformers had originally wished to see implemented had of course been contained, for all its lack of clarity, in the Book of Discipline and even though that document had not received parliamentary ratification, its substance nevertheless remained the vision of the church. The general assembly, undeterred, continued to look to it as an authoritative statement on many aspects of the church's constitution.¹ The lack of positive commitment by the secular power to many of the policies outlined in the Book of Discipline did however lead to frustration and disappointment within the church, and in June 1567 the general assembly, in letters missive to "all and sundrie erles, lords, barrons, and uthers brethren" summoning them to attend, had urged that "ane perfyte policie and full libertie might be granted to this reformat Kirk within Scotland"² and a

1. E.g. B.U.K. i. 15, 17, 25-26, 195, 266, 312, 372; Calderwood ii. 185, 205-206; iii. 36, 280, 333, 376; R.St.A.K.S. i. 73, 75, 85, 215, 220, 347.

2. B.U.K. i. 94; Calderwood, ii. 368.

letter to the assembly in July again reflected the church's concern that "ane perpetuall ordour may be takin for the libertie of the kirk of God".¹

In the minds of some, and to the government in particular, it seemed that the church's polity still required further clarification if not emendation. The regent Mar, in 1571, replying to Erskine of Dun's criticisms over the government's method of making appointments to benefices without seeking the church's consent or approval, had expressed the view that the "default of the whole standeth in this, that the policie of the Kirk of Scotland is not perfyte";² and he accordingly arranged for a conference to be held at Leith "to consult upon some maters tuiching the policie of the kirk, and dispositioun of benefices",³ and that order might be taken for the "reducing of thingis disorderit to a perfite rule and uniformitie".⁴ Yet the convention which finally met in Leith in the following January did not arrive at any far-reaching conclusions as to the church's government. Instead it provided the framework whereby the question of the church's finance and endowment could be satisfactorily solved.

Hitherto attempts on the part of the church to reach a lasting settlement along the lines of the Book of Discipline with its extensive claims to the patrimony of the medieval church had proved both abortive and impracticable, and a comprehensive solution to

1. B.U.K. 102.

2. Calderwood, iii. 164; Bannatyne, Memoriales, 205-206.

3. Calderwood, iii. 165; Bannatyne, Memoriales, 208.

4. R.P.C. ii. 90.

this intricate problem acceptable to the crown and nobility as well as the church had still to be sought. The assumption of the thirds of benefices achieved in 1562 had been of course no more than a temporary expedient to obtain some measure of financial support for the reformed church and its ministry;¹ and to many it must have become obvious that the trend towards the secularisation of church property could only be realistically reversed by the retention of the benefices as ecclesiastical entities and by their incorporation into the structure of the reformed church. And it was precisely this which the concordat of Leith succeeded in accomplishing.

Since ministers were already financed from the thirds of benefices, it was a logical development for the church to advance its claim to the benefices as a whole. By 1567 machinery had been provided whereby qualified candidates, examined and approved by the church, could gain access to the lesser benefices,² and as a result of the Leith agreement in 1572, the greater benefices or prelaties had finally been placed at the disposal of the reformed church, as they became vacant through death, resignation or deprivation. There had indeed been no real incompatibility between the claims of the Book of Discipline and the retention of the lesser benefices, if only because the Book of Discipline remained vague on the means whereby the church should fall heir to its patrimony or the form which its endowment might take; and, on the whole, the

1. Thirds of Benefices, x-xii.

2. A.P.S. iii. 23, c.7; cf. ibid. 76*, c.13; R.P.C. i. 487-488; B.U.K. i. 107; Calderwood, ii. 379; R.P.C. i. 534ff.

reformers appear to have been less concerned with the means through which they recovered the patrimony than with actually gaining access to it. Indeed a petition from the assembly to the regent in July 1568 suggested not only that the revenues of benefices might be assigned towards payment of ministers' stipends but that the "superplus" might be devoted towards the support of schools and the poor.¹

The incorporation of the greater benefices within the structure of the reformed church, as a result of the Leith agreement, did however represent a certain departure from the principles laid down in the Book of Discipline, a document which, in any event, had certainly not envisaged the retention of episcopal revenues in the hands of one man but had rather argued in favour of the view that the revenues of the sees should support the wider fabric of the church; and just as Bucer had advised that bishops should provide from their revenues the wherewithal for ministers whose stipends were insufficient to sustain them in their work,² so too had the Book of Discipline recommended that the temporalities of the sees should be assigned to the universities as well as to the support of the superintendents.³

In accordance with the general principles enunciated in the Book of Discipline, the assembly in 1565 had required that "no bishoprick, abbacie, pryorie, deanrie, provestrie, or any uther benefices havand many kirks annexit therto, be disponit altogether

1. B.U.K. i. 127; Calderwood, ii. 425.

2. Bucer, De Regno Christi in Opera, xv. 111-112.

3. Knox, Works, ii. 224-225; History, ii. 304.

in any time coming to any one man, bot at the least the kirks therof be severallie disponit and to severall persons, swa that every man having charge may serve at his awin kirk according to his vocation";¹ and two years later the church had proceeded to the more general demand that the patrimony of the church be restored "according to the booke of God, and the ordour and practise of the primitive kirk".² Whether such a statement can be taken to imply a subversion of the system of benefices, which the reformed church was in the process of inheriting, and a return to earlier ideals and precedents remains somewhat uncertain; but it may tie in with the church's claim in 1568, as already indicated, that the revenues from benefices might be allocated to the schools and the needs of the poor as well as to the ministers themselves.³

The regent Moray, at any rate, had for his part professed a willingness, as he declared in July 1569, to see the church restored to her "proper patrimony" but he had indicated, at the same time, that there existed a total lack of agreement on the question of the dissolution of the prelacies which had proved a serious stumbling block to any discussion of the subject.⁴ On the other hand, Erskine of Dun, superintendent of Angus and the Mearns, as late as 1571, had underlined the repeated demands of the church expressed over the years, namely:-⁵

1. B.U.K. i. 59-60; Calderwood, ii. 288.

2. B.U.K. i. 107; Calderwood, ii. 379.

3. B.U.K. i. 127; Calderwood, ii. 425.

4. B.U.K. i. 151; Calderwood, ii. 499.

5. Calderwood, iii. 159; Bannatyne, Memoriales, 200.

"that when ever anie of the great benefices
vaiked, having manie kirks joyned thereto,
that all the kirks sould be divided, and
severallie dispouned to severall men, to
serve everie one at his owne kirk: of which
minde all that beare office in the kirk
continue ..."

At the same time, Erskine did nevertheless let it be known in his letter to the regent Mar that he was willing to effect some kind of compromise. "But if this cannot be granted", he declared, "I meane the dismembring (as they call it) of great benefices, I trust, in respect of this confused troublous time, the kirk will consent (the benefices and offices joyned therunto being givin after the order before spokin, that the priviledge and liberty of the kirk be not hurt) to assigne suche profites as may be spaired above the reasounable sustentatioun of the ministrie of the kirks of suche benefices, to the maintenance of the authoritie and commoun effaires for the present, whill further order may be tane in these maters".¹

By providing the necessary machinery for utilising the greater benefices in the interests of an expanding reformed church, the Leith agreement, in principle if not always in practice, represented a skillful and realistic attempt to solve in as comprehensive a manner as possible the vexed question of the church's endowment and provide a means whereby the chaotic state of ecclesiastical finances might be the more readily resolved. Yet when the Leith agreement came before the Perth assembly of August 1572 that assembly had serious misgivings about many aspects of the new constitution, and

1. Calderwood, iii. 159-160; Bannatyne, Memoriales, 200.

many of the ministers who had attended the convention of Leith, if they had not altogether reversed their judgments, had certainly second thoughts on the advisability of sanctioning the agreement as it stood without emendation. Indeed, it would appear that by August 1572 even the views of the very commissioners whom the church had appointed to negotiate the details of the Leith agreement had likewise undergone a change of attitude for they were no longer unreservedly sympathetic to the settlement. During the six months or so that had elapsed between the convention of Leith and the Perth assembly there had obviously been time for reflection and reconsideration, and consequently when all but one of the church's original negotiators of January 1571/2 were appointed by the Perth assembly, along with six other ministers, to a committee charged with the task of scrutinising the Leith agreement, of assessing the attitudes of individual members of the assembly who had been invited to submit their criticisms, and of advising upon which articles of the convention of Leith ought to be "retained or altered",¹ they took the unprecedented step of producing a formal "protestation" which attacked many of the assumptions previously accepted at Leith. It is, moreover, surely equally indicative of the significant change in attitude which had been wrought within

1. B.U.K. i. 244; Calderwood, iii. 220. The person omitted from the assembly committee of August 1572 was Adam Fullerton, an Edinburgh burgess. Though not included amongst those nominated in the third session of the convention of Leith, (B.U.K. i. 204-205; Calderwood, iii. 168) Fullerton's name does however occur subsequently along with the others appointed on 16th January, 1571/2 (15th according to Calderwood) to enter negotiations on behalf of the church with commissioners appointed by the regent; (B.U.K. i. 208; Calderwood, iii. 171).

the church in the intervening months that Erskine of Dun, who had earlier been the driving force behind the settlement, should now not only be appointed to the committee which issued the protestation against certain articles but should also find himself elected to the influential office of moderator by an assembly which then proceeded unanimously to criticise many aspects of the Leith arrangements. The protestation, which may be stated at length, ran as follows:-¹

"For sameikle as in the Assemblie of the Kirk haldin in Leith in January last, ther was certaine Commissioners appointed to travell with the Nobilitie and their Commissioners, to reason and conclude upon diverse articles then thoght good to be conferritt upon: According to the quhilk commission they have proceedit to divers dyatts and conventions, and finallie concludit for that tyme upon the saids heids and articles, as the same producit in this Assembly proportis. In the quhilks beand considerit and red are found certaine names, sick as Archbischope, Deane, Archdeane, Chancellour, Chapter, quhilks names were found slanderous and offensive to the ears of many of the brethren, appeirand to sound to papistrie: Therfor the hail Assemblie in ane voyce, asweill they that were in Commission at Leith as others, solemlie protests, that they intend not be useing sick names to ratifie, consent and aggrie to any kynd of Papistrie or superstition, and wishes rather the saids names to be changeit into uthers that are not slanderous or offensive. And in lyke manner protests, that the saids heids and articles aggriet upon be only receivit as ane interim, untill farder and more perfyte ordour be obtainit at the hands of the Kings Majesties Regent and Nobilitie; for the quhilk they will prease as occasion sall serve: Unto the quhilk protestation the hail Assemblie presently conveyen in ane voyce adheres."

The loose and ambiguous wording of this statement affords of

1. B.U.K. i. 246; Calderwood, iii. 220-221.

perhaps two interpretations. The "saids heids and articles" which were to be received only as an interim measure may conceivably refer only to those clauses which the assembly found particularly offensive, or, alternatively, the phrase more plausibly may well be equated with the "saids heids and articles" of the preceding sentence but one, which unquestionably refers to the articles of the convention of Leith taken as a whole;¹ and, if this latter equation is tenable, then the conclusion would seem to be that the Leith agreement was accepted by the assembly only as a temporary expedient until a lasting solution more acceptable to the church could be found. But whichever interpretation comes closer to the truth, it remains inescapable that the church's matured judgment was both cautious and qualified in its acceptance of the Leith arrangements, and it was perhaps a reflection of the ambivalence with which the settlement was received that the agreement was never accorded the parliamentary ratification which its creators had anticipated.² Moreover, English diplomatic reports immediately following the convention of Leith had indicated that the regent was fully prepared "to have it enacted by Parliament as a law" and it was consequently believed that there would "not be great let to have it allowed by parliament".³ That it was not presented to the three estates is obviously an indication of the lack of unanimity on the subject and a measure of the church's misgivings towards certain

1. Cf. also the church commissioners at Leith in January 1571/2 who were required "to report the saids heads and articles with their conclusions thereupon to the nixt Assembly"; (B.U.K. i. 205; Calderwood, iii. 169).

2. Cf. B.U.K. i. 246-7; Calderwood, iii. 222.

3. C.S.P. Scot. iv. no. 149, p. 134.

aspects of the settlement. It is significant, too, that in 1576 - after Melville's arrival but before his influence could predominate - the regent Morton should characterise the settlement of 1572 as but a "prevat constitutioun as is the said pretendit ordinance maid at Leyth, quhilk is nayther constitute be the Estaittis as a law, nor yit is it ressavit be the ministerie universalie, bot oppugnit and callit in doubt be thame selffis in divers the maist substanciall points of the same".¹

On the other hand, mere criticism of the Leith agreement did not in itself suggest any immediate alternative to the settlement and it certainly did not prevent its operation for it was on the basis of the Leith articles that future bishops were admitted to their sees; and whether the church viewed the substance of the settlement as permanent or merely as a temporary measure until, in the words of the protestation of 1572, "farder and more perfyte ordour" might be achieved,² there can be no doubt that the financial aspects of the agreement offered an attractive enough inducement to secure the church's participation and co-operation. That this was the overriding consideration is illustrated, for example, in David Ferguson's sermon to the convention at Leith wherein he underlined the church's fundamental right to succeed to its patrimony.³

Adhering to the substance of the articles, the assembly in August 1572 had accordingly suggested that the unscriptural and offensive titles of "archbishop", "dean", "archdeacon", "chancellor"

1. R.P.C. ii. 565.

2. B.U.K. i. 246; Calderwood, iii. 221.

3. David Ferguson, Tracts, 57-80.

and "chapter" be replaced by more acceptable terms and that the styles of "abbot" and "prior" be altered to "other names more agreeable to God's word, and the policies of the best reformed Kirks",¹ a telling observation. As alternatives, the same assembly had recommended that "bishop" be substituted for "archbishop", that "moderator" replace "dean" and that the "chapter" be renamed "bishop's assembly".² Taken as a whole, therefore, the settlement of Leith, if rigidly adhered to with goodwill on all sides, was capable of providing the foundation for a comprehensive solution to the question of the church's endowment. Indeed, the attractions of utilising the existing fabric to secure an adequate financial basis for the operation of the reformed church were not inconsiderable; and even the proposals of the second Book of Discipline in 1578, it might be remarked, while condemning diocesan episcopacy, did not reject outright the financial substance of the settlement of 1572.³

Critics who saw the financial arrangements of the Leith concordat as part of Morton's policy of "conformity with England"⁴ were no doubt justified in their observations for the convention itself had expressed the desire - or so English diplomatic sources claimed - that "so far as may be the order of the kirk of England"

1. B.U.K. i. 246; Calderwood, iii. 221-222.

2. Ibid.

3. B.U.K. ii. 505; Calderwood, iii. 547.

4. Cf. Melville, Diary, 45. Though Mar was still regent, Morton was already assuming effective power and influence behind the regency, and, as chief government negotiator at the convention of Leith, much of the credit for the ensuing agreement must go to Morton who, as chancellor of Scotland, had consistently pursued a staunchly pro-English policy.

be followed in the admission of bishops and others to "spiritual promotions".¹ Yet it must be recalled at the same time that the Leith agreement was largely financial in scope, and as such it had made no alteration to the structure of government within the church. Behind the financial arrangements there had indeed emerged a formal episcopate, professedly based on imitation of Anglican procedure, but the convention of Leith, having claimed the force of a general assembly,² had itself removed any ambiguities which might arise regarding the position of the new bishops vis-a-vis that of the existing superintendents by legislating that the former should "exerce na farther jurisdiction in spirituall function nor the superintendents hes and presently exerces, quhill the same be agreit upoun".³

In theory, therefore, the new bishops like the existing superintendents were subject to the censures of the ministers and elders of each province, and, in practice, they were certainly subordinate to the general assembly for it was expressly stated in the Leith agreement that "all Archebischoppes and Bischoppis be subject to the Kirk and Generall Assembly thair of in spiritualibus, as thay ar to the King in temporalibus";⁴ and, for good measure, the assembly of March 1573/4 once more affirmed that the bishops' jurisdiction should not exceed that of the superintendents and that they be likewise "subject to the discipline of the Generall Assemblie as

1. C.S.P. Scot., iv. no. 149, pp. 133-4.

2. B.U.K. i. 204; Calderwood, iii. 168.

3. B.U.K. i. 209; Calderwood, iii. 172.

4. Ibid.

members therof, as the Superintendents has bein heirtofor in all sorts".¹ The conclusion must be therefore that the essential machinery of government based on the courts of the church remained unaffected as a result of the convention of Leith. Indeed, as is illustrated in the case of Douglas' election to the archbishopric of St. Andrews in 1572, the very form for the new bishops' admission remained precisely the same as that previously employed for the "inauguration" of superintendents and other ministers, save for the introduction of the imposition of hands.² Accordingly, the process of government within the church, as distinct from the financial framework, came no closer to that of the church of England, other than the substitution of bishops for superintendents. Moreover, any equation between the Scottish superintendent, minister and reader, on the one hand, and the English bishop, priest and deacon, on the other, can only be made with caution and reservation for the Anglican church, for one thing, also possessed readers,³ and within

1. B.U.K. i. 294; Calderwood, iii. 308; cf. 207.

2. Bannatyne, Memoriales, 223-4.

3. Strype, Annals, i. pt. i. 515-516: Readers "were ordained to supply the necessity of the church at this juncture. They were to serve in small livings, where there was no minister, and to supply till they were filled. They were not to preach, administer the sacrament of the Lord's supper, nor baptize, but to read the common prayer and keep the registers". Cf. ibid. i. pt. ii. 496: "Interrogatories" - "Whether that any reader, being admytted but to read, taketh upon him to baptize, to marry, to celebrate the Lord's supper, or to distribute the Lord's cupp, or no?" In Scotland, readers were appointed to churches "quhair no ministeris can be haid presentlie" to read the common prayers and scripture "till thai growe to greattar perfection" so that "in process of tyme he that is but ane Readar may atteane to the further gree, and ... may be permittit to minister the sacramentis", for "gif thai can do nothing but reade, thai neather can be called nor jugit trew ministeris". But "gif frome Reading he begin to Exhorte and explane the Scriptures, then aught his stipend to be augmented; till finallie he come to the honour of a Minister". (Knox, Works, .../Contd.

the Scottish church not only did the office of exhorter still exist (though it was gradually to merge with that of reader)¹ but elders and deacons still of course remained as a fundamental and integral part of the church's constitution.

But if the regent Mar, in November 1571, had judged the church's organisation to be by no means perfect before the convention of Leith, the church by the same token regarded its structure to be scarcely more perfect as a result of the settlement of 1572. The perennial problem of the church's jurisdiction for which Knox in the past had shown such concern came up for discussion again in the assembly of August 1573, and it had thus been decided that commissioners from the kirk be deputed to meet a delegation from the regent that the extent of the church's jurisdiction might finally be resolved and confirmed by parliament;² but in the following assembly of March 1573/4 the question of the church's polity, as well as its jurisdiction, was debated and commissioners

Footnote Contd...

ii. 195-6, 199; History, ii. 287-8, 290). Readers had accordingly been prohibited from officiating at marriages and baptism, (R.St.A.K.S. i. 177-8; B.U.K. i. 82, 124; Calderwood, ii. 331, 422) but the Convention of Leith in 1572, departing from earlier practice, had recommended that readers be permitted to baptise and conduct marriage services (B.U.K. i. 211; Calderwood, iii. 174-5) though such a novel development was soon subject to restrictions; and in 1579 the synod of Lothian announced that it had inhibited readers from carrying out any functions other than "simple reiding of the text" and proclamation of marriage banns. (B.U.K. i. 372; Calderwood, iii. 376; B.U.K. ii. 438-9; Calderwood, iii. 449; cf. B.U.K. i. 276; Calderwood, iii. 293).

1. There is a reference in the assembly of August 1580 to the appointment of an exhorter, though the assembly under presbyterian influence refused to acknowledge such an office. B.U.K. ii. 464; Calderwood, iii. 476.
2. B.U.K. i. 280; cf. Calderwood, iii. 298.

were again appointed to discuss the issue with the regent and privy council.¹ The sequel to these developments, it would appear, is to be found in the following year, when a convention of estates in March 1574/5 addressing itself to the subject of the church's polity and constitution resolved that:-²

"sen the alteratioun of religioun albeit the libertie of the evangell hes bene enjoyit in unitie of doctrine yit is thair not to this day ony perfyte policie be lawis and constitutionis set out how the kirk in all degreis salbe governit in decent and cumly ordour quhairthrow sundry inconvenientis hes followit and ma ar lyke to occur heireftir gif tymous remeid be not providit."

The convention of estates accordingly had nominated a committee, including ministerial representatives, to study the problem and "to put in forme the ecclesiasticall policie and ordour of the governing of the kirk as thay sall find maist aggreabill to the trewth of goddis word and maist convenient for the estate and people of this realme" that parliament might establish the same in law. The quest for a perfect polity was by no means over. The search as yet had still to find its fulfilment: a satisfactory solution based on God's word and adapted to Scottish requirements had still to be achieved.

That there was continuing discussion on this question before, as well as after, Melville's return is thus manifestly evident. Melville on his homecoming was without question confronted with a fundamentally fluid situation so far as the church's constitution was concerned which was characterised by no overall finality.

1. B.U.K. i. 295; cf. 293; Calderwood, iii. 308, 307.

2. A.P.S. iii. 89.

Having taken his leave of Beza in April, 1574,¹ the twenty eight year old Scot had finally bade farewell to Geneva and, in the company of the bishop of Brechin and Andrew Polwart, had travelled homeward through France to Orleans and then to Paris and Dieppe where they crossed to Rye, journeying on to London, "whar thay remanit a space", before proceeding via Berwick to Edinburgh.² With his return in July³ Melville had brought with him testimonials from Beza, as moderator of the Venerable Company, and from John Pinaud, rector of the college, in which they warmly praised his abilities and commended him to the Scottish church.⁴ For Beza and the Genevan pastors, so James Melville remarks, "the graittest taken of affection the Kirk of Genev could schaw to Scotland" was to allow Melville to return home that, through their own loss, the Scottish church might benefit from the services of an outstanding scholar.⁵

Melville's arrival had indeed attracted considerable attention which had resulted in competing claims for his services. The regent Morton, obviously impressed with Melville's reputation, had sought to appoint him as domestic chaplain, but Melville, who "lyked nocht to be in Court, bot rather to be in sum Universitie", declined the offer. He may however have viewed more favourably the

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1. Registres de la Compagnie des Pasteurs de Geneve, iii. (1565-74) ed. Fatio and Labarthe, (Geneva, 1969), 133, 134; Charles Borgeaud, "Cartwright and Melville at the University of Geneva, 1569-1574", A.H.R. v. 1899-1900, 288-9; P. Mellon, L'Academie de Sedan, 258-9.
 2. Melville, Diary, 43-4. Campbell was provided to Brechin in 1566.
 3. According to James Melville, "a lytle befor Lambes"; ibid. 37.
 4. Borgeaud, op. cit.; Mellon, op. cit.
 5. Melville, Diary, 42-3.

proposal which the commissioners of Fife placed before the assembly in August, namely that Melville might be appointed successor to Douglas, who had been provost of St. Mary's college and rector of St. Andrews university. But, in the end, with the assembly's approval, Melville accepted the invitation from James Boyd, archbishop of Glasgow, and Andrew Hay, commissioner, that he should come to Glasgow to "sie the beginning of a Collage ther". Accordingly in November, having spent the summer at Baldovy, Melville took up his appointment in Glasgow as "principall maister" in the university.¹

As a scholar newly arrived from Europe, Melville soon found that his news and views were eagerly awaited, and as a man of cosmopolitan experience, Melville could hardly fail to have acquired an extensive knowledge of the constitution of the French and Swiss churches during his travels abroad. He had after all travelled widely in France, journeying through Bordeaux, Dieppe, Paris, Orleans and Lyons, and in Poitiers in particular, where he had taught in the university, there had been in existence a reformed church, whose minister had attended the first national synod and in whose city the second national synod had met in 1560.² Within Switzerland, too, apart from Geneva, Melville is known to have followed Ramus to Lausanne, where he and his fellow Scot, Gilbert Moncrief, remained for several months before returning to Geneva.³ In addition, as a university teacher in Poitiers and as second

1. Ibid. 45, 47-9.

2. M'Crie, Melville, 14 n.1.

3. Borgeaud, op. cit. 288.

regent¹ in the Genevan college, Melville had come into contact with students from many lands; and, wherever a few scholars were congregated, a wealth of information on religious matters and church constitutions was readily available and easily exchanged. Accordingly, when his opinions were sought in the assembly and elsewhere, Melville was well placed in the light of his continental experience to offer stimulating advice.

Even so, the evidence, such as exists, scarcely suggests that Melville arrived home with a blueprint for remodelling the constitution of the Scottish church. If he did return with a plan of action in his mind, he certainly did not immediately disclose it. Instead he seems to have contented himself for a full year, so far as is known, by taking stock of the existing situation and practice within the Scottish church. His first appearance in the general assembly had come one month after his arrival in Scotland, for the assembly of August 1574, which confirmed his appointment to Glasgow, also nominated him one of a committee of four for reviewing a "History of Job", which Patrick Adamson had written in Latin verse.² For such a task, Melville was particularly well qualified since he himself, as part of his Carmen Mosis, had composed Latin verses on the Book of Job,³ which as early as 1573, it would seem, had been published at Basel.⁴ This, his first encounter with Adamson, was

1. E-A. Betant, "Tableau chronologique des principaux et des regents du college de geneve", Bulletin de l'Institut national genevois, 9 (1861), 93; Borgeaud, op. cit. 287.

2. B.U.K. i. 310; Calderwood, iii. 338.

3. Melville, Diary, 63.

4. M'Crie, Melville, 447.

by no means destined to be his last but rather a prologue to a heated series of exchanges and debates between the two which began in all probability in 1576, when Adamson, as archbishop, refused to submit to the assembly's jurisdiction and which was to last for two bitter and protracted decades, ending only with Adamson's "recantation" in 1591 and with his death on 19 February 1591/2.

After his appearance in the Edinburgh assembly of August 1574, Melville's aptitude in ecclesiastical administration was quickly recognised and his services were again sought in the succeeding assembly of March 1574/5 which appointed him a member of a series of committees which, significantly enough, involved him in an examination of the life and doctrine of George Douglas, bishop of Moray, and Andrew Graham, bishop elect of Dunblane;¹ and the same assembly had likewise chosen Melville with several others, if nominated by the regent, as suitable candidates to replace earlier commissioners from the church deputed to meet the regent and resume discussion anew on the as yet unresolved issue of the church's polity and jurisdiction.² Fresh from Geneva, therefore, Melville entered into, and fully participated in, the continuing dialogue and discussion on the form and direction which the church's government and constitution should assume.

It was indeed within the structure of the general assembly that the true corridors of power, influence and authority within the church resided, for it was there and nowhere else that the voice of the church was to be heard speaking decisively on matters of

1. B.U.K. i. 315; Calderwood, iii. 340.

2. B.U.K. i. 325-6; Calderwood, iii. 343-4.

national importance; and, already, the floor of the assembly and its various offshoot committees had afforded Andrew Melville a platform from which he could question the validity of earlier assumptions, requiring others in the process to re-examine and clarify their own attitudes and thought, and through which he and others, in turn, might make known their own views and present their own solution to the problems confronting the church in the light of existing practice.

Melville himself was obviously a man of some considerable vigour, determination and resolution, and one, moreover, who possessed a formidable intellect. Nonetheless, there remains a certain enigmatic quality which surrounds the figure and life of Melville who in large measure defies the attempts of posterity to penetrate the substance of his character and thought. The relative lack of information available is in part accountable for this, and while the observations of his nephew, the diarist, provide a valuable and, indeed, unique commentary on many aspects of Melville's career, it remains true that for one who was to aspire to the leadership of a movement Melville at no point felt obliged to commit to print a systematic exposition of his theories on church government. Contemporaries themselves expressed surprise at the unproductive nature of Melville's literary output. His Carmen Mosis is reported to have "put all men in hope of graitter warks", but his nephew attributes Melville's neglect of serious writing ("except of verses and epigrammes, as his humor and ocasioness moved him") to the "grait occupationes and distractiones" which surrounded Melville's career, and, no less, to Melville's own decided preference

for teaching and "framing of guid instruments for the meaintenance of the truethe and wark of the ministrie and scholles".¹

In the absence of any treatise, therefore, the precise nature of Melville's views on his arrival in Scotland remains uncertain, but it is at least possible that the young Melville was less inflexible, less doctrinaire, in his attitudes than his subsequent career displayed, and that his objection to diocesan episcopacy was founded as much on a practical study of the situation in Scotland as on any doctrinaire argument which he may have inherited from Geneva. There are at any rate several pieces of evidence which point in this direction. When "it was remembred be some of the brethren" at the trial of the bishop of Moray in the assembly of March 1574/5 "that the question is yet undecided if he be Bishop lawfully chosen or not", Andrew Melville, with three others, had been charged to advise upon the bishop's election, and it is certainly significant that, at this stage, Melville seems to have expressed no disapproval of the bishop's office, for the committee's report, of which Melville was a member, was concerned purely with recommending how the examination of the bishop's life and doctrine could be made more effective. The assembly, accepting their report, then proceeded to appoint Melville, Winram and George Hay to examine the bishop of Moray "upon the points of religion" and submit their findings to the assembly, and, again, Melville made no objection to the existence of episcopacy in principle.² When the

1. Melville, Diary, 63.

2. B.U.K. i. 315, 317, 320, 320-1; Calderwood, iii. 339-340.

same assembly likewise appointed him one of a committee of seven to investigate the doctrine of Andrew Graham, bishop elect of Dunblane, Melville once again remained silent on the subject of episcopacy.¹ The meaningful sobriquet of "episcoporum exactor"² which Melville was to earn evidently still lay with the future.

Melville's attitude to episcopacy at this point, based on his understanding and observation of existing practice in Scotland, was still, it would seem, in the process of maturing and hardening. His introduction to the episcopate in the person of George Douglas, bishop of Moray, was however singularly unfortunate. As an illegitimate son of the earl of Angus,³ Douglas had pursued a career in the pre-reformation church, but his appointment in the reformed church was far from sound and his own capabilities, to say the least, were none too distinguished; nor was his personal conduct above reproach.⁴ The substance of James Melville's description of Douglas whom he remarks as having seen "a haill wintar mumling on his pretching af his peapers everie day at our morning prayers; and haid it nocht weill par ceur when all was done"⁵ is substantiated by the criticisms of Douglas in the assembly which certainly reflect the very considerable difficulty which Douglas experienced in satisfying the assembly even of his formal qualifications.⁶ Andrew Graham, elect of Dunblane, in

1. B.U.K. i. 317, 321, 325; Calderwood, iii. 341-2.

2. Melville, Diary, 52.

3. Keith, Bishops, 151.

4. B.U.K. i. 288, 323; Calderwood, iii. 304, 340.

5. Melville, Diary, 32; Calderwood, iii. 302.

6. B.U.K. i. 300-1, 303-4, 308-9, 315, 321, 323, 326; Calderwood, iii. 330-1, 340.

whose examination Melville had also participated, was scarcely more respectable, for he had been presented to the bishopric, to the discredit of the church, "under the name of ane preacher, although he had bein none".¹ There certainly seems to have been a reprehensible slackness on the part of the newly created chapters to take account of the suitability, and to inquire diligently into the qualifications, of candidates presented to bishoprics. Nor had this gone unnoticed by the general assembly which had censured the chapter of Moray for giving "their letters testimonials there-upon, without just trial and due examination of the said George life, conversation, and qualification in literature, as appertained, wherethrough great slander is risen",² and, a year later in March 1574/5, the assembly in an attempt to remedy this defect discharged and inhibited all chapters from proceeding to the election of bishops until the assembly itself had first examined and formally approved of their fitness and eligibility.³

It was indeed precisely as a result of these developments and because of the prevailing dissatisfaction with the operation of chapters that John Durie, then minister in Edinburgh,⁴ went one stage further and called in doubt not only the role and function of chapters in the election of bishops but questioned the very nature of the office of the newly appointed bishops. Durie, who had been a member of the convention of Leith,⁵ had had ample

1. B.U.K. i. 325; Calderwood, iii. 341.

2. B.U.K. i. 288.

3. B.U.K. i. 326-7; Calderwood, iii. 346.

4. Fasti, i. 52.

5. B.U.K. i. 204.

opportunity and time, were these required, to study at close hand the ecclesiastical developments of the last few years, for in the assembly of August 1573 he had been appointed to inspect the books of visitation belonging to the bishops, superintendents and commissioners,¹ and in the succeeding assembly of August 1574 he had taken part in the proceedings against the bishop and chapter of Moray.² It was against such a background, and arising out of existing conditions, therefore, that in the assembly of August 1575 Durie protested that he "and other brether of his mynd" had certain objections to place before the assembly against the "office and name of a Bischop".³ As a result, the assembly immediately appointed a committee to discuss the issue of whether "the Bischops, as they are now in the Kirk of Scotland, hes thair function of the word of God or not, or if the Chapter appointit for creating of them aucht to be tollerated in this reformed Kirk".⁴

Durie's critical appraisal of the role of bishops, based on his assessment of existing conditions, was, according to Spottiswoode's sole testimony, seconded by Andrew Melville himself who drew the assembly's attention to the views of Calvin and Beza on the question of ecclesiastical polity and showed how the law of Christ allowed of no superiority among ministers, and he ended by affirming that the church could not long remain in purity unless the corruptions in the estate of bishops were altogether removed. Melville's speech

1. B.U.K. i. 271.

2. B.U.K. i. 308-9; Calderwood, iii. 331.

3. B.U.K. i. 331; Calderwood, iii. 347.

4. B.U.K. i. 340; Calderwood, iii. 355.

which was "applauded by many" was obviously given a sympathetic reception in the assembly,¹ which strongly suggests that a good many others shared the criticisms of Durie and Melville and certainly seems to dispel any notion that there was any deep-rooted consensus of opinion in favour of an exclusively episcopal system. Indeed, the evidence suggests precisely the contrary, for to Spottiswoode's dismay, not only was the assembly after discussion fully in support of Melville's standpoint but the bishops present in the assembly voiced no opposition to the proceedings.²

It remains something of a curiosity that Spottiswoode's account of Melville's discourse lacks documentary support from contemporary sources for neither the acts of assembly nor James Melville, who was normally so anxious to testify to his uncle's zeal in the cause against bishops, mention Melville's purported speech in support of Durie's contentions.³

Evidence of Melville's attendance, if not of his speech, at the assembly is, however, afforded by his appointment to an assembly committee, composed of Craig, Lawson and Melville himself on the one side, and George Hay, Lindsay and Row on the other, for debating the proposition raised by Durie, namely whether bishops, as they existed in Scotland, had any scriptural validity and, equally, whether the chapter could be tolerated in a reformed church.⁴ In

1. Spottiswoode, ii. 200.

2. Ibid. 201.

3. Petrie, Scots minister at Rotterdam, in his history published at The Hague in 1662, refers to Melville's speech, (Petrie, History, 387) but here as elsewhere Petrie was heavily indebted to Spottiswoode's account as one of the sources used in compiling his own history.

4. B.U.K. i. 340; Calderwood, iii. 355.

their report, while considering it "not expedient presentlie to ansuer directlie to the first questioun", Melville and the other members of the panel did find common ground for agreement, and did by implication answer the question indirectly; for the name of bishop, they decided, was common to all ministers of the word and sacraments and though this be their "cheife functioun of the Word of God", notwithstanding some might be chosen with "power to oversie and visite sick reasonable bounds, besydes his awin flocke, as the Generall Kirk sall appoint".¹

The implication of their report was clearly that those appointed as overseers should retain a congregational charge and that the authority for their commission of oversight should likewise be invested in the general assembly, which would also designate and appoint the bounds of their visitation.² Such a suggestion obviously implied a return to something like the structure operating in the late 1560's when visitation was very largely entrusted to commissioners appointed by the assembly. Certainly, if the bishop or overseer was to retain a congregational charge (as did commissioners), he could not be expected to perform his office of visitation on a permanent basis, and the committee by recommending that the assembly should assign to the overseer "reasonable bounds" for his visitation also suggested a departure from the old diocesan structure with its antiquated boundaries which had been incorporated within the structure of the reformed church, none too successfully, as a result of the Leith agreement.

1. B.U.K. i. 342-3; Calderwood, iii. 355-6.

2. B.U.K. i. 342-3; Calderwood, iii. 356.

That the opinions of Melville and the committee on bishops were readily assimilated and accepted by the church as a whole is also evident from the proceedings of the next assembly of April 1576 in which John Row was moderator, for that body "resolutelie approvit" and endorsed the recommendations and conclusions outlined in the committee's report, of which Row had been a member, and ordained all bishops who had not as yet received the cure of a particular congregation to indicate their acceptance of a parochial ministry.¹ Many of the bishops, who had raised no objections to Durie's criticisms or to the report of the committee on bishops, were in fact perfectly willing to accept a congregational ministry. In April 1576, the bishop of Dunblane agreed to "demitt the commission of visitation which he had of the Assembly",² and Alexander Hepburn, bishop of Ross, did likewise.³ Furthermore, Dunblane, Ross and Moray all signified their compliance by accepting a parochial charge.⁴ James Boyd, archbishop of Glasgow, was less co-operative,⁵ but he did agree "to haunt to ane particular kirk, and to teach therat, quhen he dwells in the Sheriffdome of Air" and to do likewise "quhen he is in Glasgow";⁶ and, a year later, he finally promised to accept a single congregational charge.⁷ An interval of several years elapsed before the remaining bishops submitted to the articles of assembly requiring

1. B.U.K. i. 352-3.

2. Ibid. 349; Calderwood, iii. 359.

3. Ibid.

4. B.U.K. i. 358-9, 361; Calderwood, 368.

5. B.U.K. i. 348, 359-60, 378; Calderwood, iii. 358-9, 367-8, 370-1.

6. B.U.K. i. 379; Calderwood, iii. 370-1.

7. B.U.K. i. 386; Calderwood, iii. 383.

them to undertake a parochial ministry.¹

Upholding the distinction made by the committee on bishops between the office of bishop which was common to all pastors and that of visitation and oversight to which some might be delegated by the church,² the assembly in April 1576 went further and in a series of articles concerning the office of "visitors" defined their functions and duties, and it was clearly emphasised that the "power stands not in the Visiter, but in the Kirk".³ In theory and in practice, the strictly constitutional role⁴ assigned to the "visitors" or "commissioners of countries" remained precisely the same as that previously exercised by the superintendents and commissioners in the 1560's, and by the bishops in the few short years following the settlement of 1572, so that the machinery for visitation remained essentially the same as that which had existed throughout the 1560's. The existence of visitors or commissioners violated no principle of the earlier system as it had evolved in the 1560's, for oversight was still committed to the charge of individuals, always under the final supervision of the general assembly. Nor can exception be taken to the title of visitor, for such a style had been employed as early as 1564 and had continued in use throughout the earlier period.⁵

1. See below, chapter 9, 435ff.

2. B.U.K. i. 342-3, 352-3; Calderwood, iii. 356, 365-6.

3. B.U.K. i. 357; Calderwood, iii. 364.

4. Ibid. cf. B.U.K. i. 357, ii. 430, 439, 441 (commissioners and their assessors), 460 (assessors), 464; Calderwood, iii. 364, 449, 472, 476.

5. B.U.K. i. 54, 56, 60, 108, 148, 205-6, 297, 318; Calderwood, ii. 284, 288, 380, 497; iii. 169; A.P.S. iii. 24 c.11; cf. ibid. 38 c.16; Thirde of Benefices, 262; R.P.C. i. 535, 675; R.S.S. vi, no. 1149.

Concern for efficient oversight, effective discipline and pastoral care, which on the admission of the bishops were not always possible on the basis of the antiquated diocesan boundaries, was demonstrated by the assembly in April 1576 which rejected the existing dioceses, inherited as a result of the Leith agreement of 1572, as the logical or adequate unit for visitation. Just as the first reformers had felt bound to draw up a more streamlined structure through which oversight could be exercised so too did the assembly of April 1576 commission, from within its own membership, fifty five ministers and lairds (including one superintendent and two bishops) "to make a proper distribution and division of the whole bounds of this realme, and to give in writt their opinions and judgement how every bounds may be best visited" in order that "such bounds be appointed to every Commissioner and Visitor, as may be duely visit and overseen be every one of them".¹

On the basis of their recommendations, some twenty six or more² visitors or commissioners were appointed to cover twenty specified regions³ designed to replace the administrative units of the thirteen traditional dioceses which the reformed church had begun to utilise in the four short years following the convention of Leith. The intention in 1576 was now clearly to return more

1. B.U.K. i. 353-6; Calderwood, iii. 362. Argyll and the Isles were omitted from the survey but the earl of Argyll was requested to attend the assembly "for order to be tane with the parts of Argile". Orkney and Shetland may also have been left out: on the other hand, visitors were appointed to oversee the northern isles as a result of these discussions. (B.U.K. i. 356, 358).

2. Winram had to choose additional visitors to assist him in Fife. (B.U.K. i. 359).

3. No visitors were appointed to Argyll and the Isles.

closely to many of the principles underlying the structure which had operated in the 1560's. Moreover, the services of the three surviving superintendents were retained, and the bishops of Ross, Moray and Dunblane, the three conforming bishops who readily accepted particular flocks, were likewise given commissions of visitation while the as yet uncommitted bishop of Glasgow was continued in his office of visitation till the next assembly in October 1576 when he promised to answer the assembly's ordinance regarding his acceptance of an individual congregation. The authority for constituting visitation firmly lay with the assembly, and the remaining bishops who had not so far conformed to the assembly's injunctions were consequently regarded as having no power from the church to carry out the functions of visitation and oversight previously committed to their charge. Accordingly, in the assembly of April 1577, Patrick Adamson, "callit Bischop of Sanct Androes", was accused of entering "the said Bischopricks against the acts of the Generall Assemblie, and usurpit the office of Visitatioun within the bounds of Fyfe, unauthorized be the commission or power of the Kirk".¹

There was of course nothing novel in the proposition that the power of oversight committed by the assembly to visitors and others resided properly with the "general kirk" and not with individuals, for the general assembly remained throughout the summus episcopus to which all superintendents, commissioners, and bishops (since 1572), were answerable. It is true that the five superintendents had been

1. B.U.K. i. 385; Calderwood, iii. 378.

elected for an indefinite period, but it is significant that the superintendents themselves did not regard their office as one committed to them for life, for from 1563 onwards they repeatedly requested the assembly to be relieved of their office and return to a parish ministry,¹ and one of them, John Willock, explicitly stated that he had undertaken his superintendent's office "onlie for a time" which in itself effectively dispels any notion that he accepted the office for life or on terms other than merely for a limited period.² Willock, induced by the attractions of life in the south, did indeed return to his Leicestershire vicarage of Loughborough,³ and another, Spottiswoode of Lothian, retained a congregational charge throughout his career as superintendent.⁴ But though Willock managed to shake off the rigorous life that was the lot of a Scottish superintendent, the four remaining incumbents were less successful in escaping from their burdensome office, for the assembly with equal resolution exhorted them to continue in their work, and, likewise, urged commissioners, too, to continue in their office which they very often retained from one assembly to another. The assembly's decision in 1568 that Robert Pont be "continued commissioner for visitation of Murray till the next Assemblie, notwithstanding that he desired to be placed in a particular congregation" was thus typical of the assembly's efforts

1. B.U.K. i. 39, 65, 77, 92, 120, 239, 264, 296-7, 302-3; Calderwood, ii. 244, 294, 322; iii. 209, 273-4, 304, 332.

2. B.U.K. i. 39.

3. C.S.P.Scot. ii. no. 728.

4. Cf. Register of Ministers, Exhorters and Readers, (Maitland cl.), 6; "Register of Ministers and Readers", 1574, Wodrow Society Miscellany, i. 367.

to retain the supervisory services of commissioners;¹ and in 1574 Spottiswoode, as superintendent of Lothian, it may be added, was "brotherly requested" by the assembly to continue in his office but only on the same conditions as that of commissioners, namely till the next assembly.²

Thus the distinction between a superintendent who was elected for an indefinite period, and a commissioner who, though appointed and often re-appointed from one assembly to another, carried out precisely the same functions as the superintendent, tended to become blurred and contemporaries themselves frequently used the

1. B.U.K. i. 129. For several years before his appointment as minister in Edinburgh, Pont does not appear to have held any parochial charge: he was minister of Dunblane and of Dunkeld in 1562, and minister of Elgin in 1563, the year in which he was appointed commissioner of Moray, Inverness and Banff, (Fasti, iv. 154, 342; vi. 388). In 1566 Alexander Winchester was appointed minister of Elgin and Pont no longer seems to have continued there (ibid. vi. 388). In the register of assignments of ministers' stipends for 1567, he does not appear in any capacity other than commissioner, for which he was assigned a stipend of 400 merks, (Register of Ministers, Exhorters and Readers, (Maitland club), 58; see also Thirds of Benefices, 193, 214, 217). It is true that Pont, as commissioner, received a presentation to the parsonage and vicarage of Birnie on 13 January 1567/8 but it is equally true that he was not minister at Birnie as a subsequent presentation of the benefice of Birnie to James Johnstone, minister of Birnie, on 26 February 1567/8 makes unmistakably clear, (R.S.S. vi. nos. 107, 164). On 27 January 1571/2, Pont was presented to the provostry of Trinity college, Edinburgh, (ibid. no. 1456) and in 1574, after demitting his office of commissioner, was appointed minister of St. Cuthbert's, Edinburgh. If it does emerge, therefore, that for a spell Pont had no parochial charge, his position, it would seem, was rather similar to that of a superintendent.

2. B.U.K. i. 303.

terms superintendent and commissioner as if they were interchangeable.¹ Nor was it unknown for superintendents themselves to receive commissions from the assembly. In March 1574/5, Winram received a commission of superintendentry, although apparently still superintendent, to oversee certain parts of his own province of Fife and Strathearn,² and as early as 1564 the assembly had appointed "visitors" to inspect the areas under the oversight of superintendents and commissioners. The superintendent of Angus had accordingly been appointed to visit the churches of the south west, while the superintendent of Lothian visited Angus and the Mearns, and Knox inspected the churches of Fife, Strathearn, Gowrie and Monteith.³

Against such a flexible setting, the arrangements of 1576 can therefore be seen as a serious attempt to reconcile Melville's

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1. The undernoted commissioners were often designated superintendents:- Andrew Hay, "superintendent of Glasgow", R.S.S. vi. 1034; Melville, Diary, 47, 50; cf. R.S.S. vi. no. 322; Robert Pont, "superintendent of Moray", Thirde of Benefices, 217; John Row, "superintendent in the north", R.P.C. ii. 381; Gilbert Foulsey, "superintendent within the bounds of Zetland", R.P.C. ii. 659; "superintendent of Aberdeen", B.U.K. i. 29, R.S.S. vi. 622; "superintendent of Aberdeen and Banff" R.S.S. vi. 1264; "superintendent of Kyle, Carrick and Cunningham", R.S.S. vi. 1275; "superintendent of Moray", R.S.S. vi. nos. 644, 642; "superintendent of Ross", R.S.S. vi. nos. 545, 1059, 1795; George Hay "commissioner and superintendent of Banff and Aberdeen", R.P.C. ii. 381-2. The description of Pont as "commissioner of the superintendentry of Moray" was a correct interpretation of a confused situation, (R.P.C. ii. 68; R.S.S. vi. nos. 107, 112, 163-5, 768-9, 810, 846, 978) as was that of his counterpart in Glasgow, (R.S.S. vi. 256, 580). The bishop of Caithness, whose status within the church was that of a commissioner, on at least one occasion also appears to have been designated superintendent of Caithness, (R.S.S. vi. no. 1811 and n.1.)
 2. B.U.K. i. 318.
 3. Ibid. 54; cf. 57.

objections to diocesan episcopacy with the maintenance of an efficient system of oversight which had previously, if haphazardly, been placed in the hands of a number of officials all performing precisely the same essential functions.

In the absence of evidence to the contrary, there is no reason to suppose that Melville, Durie and others likeminded were in any way dissatisfied with the developments of 1576; nor are there grounds for maintaining that Melville and his associates felt that the proposals of 1575-76 did not go far enough to suit their own preferences, or that the proposals were in any way insufficient in themselves. At that stage, it would seem that Melville and his colleagues were perfectly content with the position which had been reached or was in the process of realisation in 1576. They certainly gave no indication to the contrary, and it had of course been on their initiative that such a situation had been achieved in the first place. Melville himself, who as a member had accepted the recommendations of the committee on bishops, had also participated in, and had voiced no disapproval which has gone recorded of, the settlement of 1576. It was only as the church's attitude as a whole progressed beyond the limits of the arrangements of 1576, as a result of various developments, that Melville's views likewise advanced and crystallised.

Presbyterian theory in Scotland did indeed evolve over several years before it finally reached a position which posterity has recognised as classical presbyterianism. Consequently one must beware lest through hindsight one attributes those aspects associated with a thoroughly presbyterian structure to Melvillian thought which

in 1575 was just emerging from and developing out of what was after all an essentially fluid situation. Care must be taken, in other words, not to read into earlier ideas, which were in the process of evolving in 1575, every detail associated with matured presbyterian thought, as it emerged in the 1580's, which retrospectively can be seen to have become a fully developed and distinctive system of church government. The idea of a regional presbytery came only later. Its importance obviously had still to be appreciated, for as yet no discussions had taken place on the role of such an intermediate court between the kirk session and the provincial synod. It is interesting, too, in this respect that Travers' Ecclesiasticae disciplinae ... explicatio, which Melville had in his possession in December 1575, concentrated almost exclusively on the subject of the congregational consistory and on a ministry composed of pastors, elders and deacons, all very familiar stuff north of the border, but had little or nothing constructive to say about the higher courts of the church, save for a few vague and oblique references, almost in passing, to the conference, which is nowhere defined, and to what Travers called the lesser and greater synods of the church.¹

1. Walter Travers, Ecclesiasticae disciplinae ... explicatio, Geneva 1574, 137v.-138; cf. A full and plaine declaration of ecclesiastical discipline, 1574, 178: "for off this sort also be all the assemblyes which are gathered for the government off the church: both those which are called Conferences and Synodes wither they be lesse Synodes, suche as they were wont to have twice a yeere in every province, or greater which are gathered togeether by the authoritie off any one whole kingdome, free state or common wealthe: or ells off mo kingdomes and countries, for the soverantie allwais reserved unto Christ by whose word all thinges are governed as in a Monarchy." A more
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Equally, James Melville's assertion that many were "informed mair throwlie be Mr Andro of the ... right maner of governing of the Kirk be Presbyteries",¹ if this is to be taken other than a general statement of Andrew Melville's matured beliefs, is not only retrospective, a statement made by James Melville in his old age, but also untrustworthy and inaccurate. Even the second Book of Discipline, it may be remarked, with which Melville was so intimately associated, makes no explicit mention of the regional presbytery, and there were other aspects, too, which still lacked definition or clarification. The substance of the achievement of 1592 was thus not necessarily the conscious goal of the thirty year old Melville almost two decades earlier in 1575. Moreover, while it is possible to find points of contrast between presbyterian thought, as it finally manifested itself in the 1580's, and the principles underlying the earlier Knoxian constitution, it is at the same time considerably more difficult to discern any fundamental difference in approach between Melville's position in 1576 and the substance of the earlier polity of the first reformers. Certainly, whatever one's analysis, it is plain that failure to take account of this elusive movement of opinion to and fro, as one system merged almost imperceptibly into another, does less

Footnote Contd...

explicit definition of the role of the conference in the presbyterian system of church courts was contained in A Second Admonition to the Parliament, issued in February 1573, but even here it still remained essentially an organ for "prophesying" or interpreting scriptures rather than a clearly defined administrative unit. Puritan Manifestoes, 108.

1. Melville, Diary, 52.

than justice to the essential fluidity which characterised ecclesiastical developments in the 1570's.

Part 2. The genesis of a movement

It is by no means difficult to see how the theories of Melville and his associates won wide acceptance. There was present, first of all, a basically fluid situation which facilitated the development and acceptance of Melville's own criticisms of diocesan episcopacy. No final solution to the polity of the church had been achieved and the continued search for a perfect polity which had only recently been renewed when Melville arrived, had not as yet produced any acceptable solution. On matters of polity, therefore, opinion within the church was far from static. The various proposals made throughout the years indicated a fundamentally flexible attitude of mind and the system as it stood was accordingly characterised by no overall finality. A formal episcopacy had dated solely from 1572 and the introduction of bishops, so termed, along with the retention of the bishoprics as ecclesiastical entities within the reformed church were but recent innovations. The bishops appointed as a result of the Leith settlement had held office only for a brief spell, no more than a year or two, and indeed several sees had still to be filled. As yet, time had manifestly not allowed opinion to polarise either in favour of or against the system as it stood in 1572. There were problems associated with the Leith agreement which demanded

answers and given a flexible framework of thinking there was no reason to suppose that the settlement of 1572 was either final in itself or that an acceptable alternative might not still be devised.

Moreover, there already existed before Melville's return an element of dissatisfaction with several aspects of the Leith settlement and its operation which in the end went some way to discredit the system itself as it stood without alteration. The defects, abuses and anomalies arising from its operation required far-reaching remedies and had produced in the process a certain unrest within the church which had led some like Knox to return to the earlier ideal of the dissolution of the prelacies, and to look back in preference to the earlier constitution as an alternative to existing practice. Among the shortcomings of the new system were the serious structural defects inherent in the retention of the old dioceses with their outmoded boundaries which in themselves would have proved a severe handicap, had the system endured, for efficient oversight.

Even with all the benefits of their streamlined provinces, the superintendents by their own admission had found their own particular office all too arduous and unrewarding, and over the years they had repeatedly asked to be relieved of their office. With such an example before them, it was hardly likely that the new bishops, with their eccentric and erratic diocesan boundaries, should find their office any less exacting or themselves any less liable to criticism within assemblies. The diocese of Dunkeld, for example, had numerous enclaves within Angus, Fife, the Lothians, Berwickshire and Argyll; and the detached parishes of Aberdour and

Saline in Fife, Dollar, Abercorn and Bonckle which logically might form part of the diocese of St. Andrews (or according to the first reformers' scheme of things would have come under the jurisdiction of the superintendents of Fife and the Lothians) did in fact pertain to Dunkeld;¹ while St. Andrews likewise had isolated territory in Angus and Kincardine surrounded by the bishopric of Brechin, with other remote pockets encompassed within the diocese of Dunkeld. All this, together with the disproportionately large dioceses of Glasgow and St. Andrews, was hardly conducive to efficient pastoral supervision.

Within his own extensive diocese of St. Andrews, the newly elected Douglas, a man of largely academic interests, found himself unable for the task awaiting him and had requested the general assembly "because the bounds are great, and he not able to doe his office in his own person" that "some of the Godliest and best learned" might concur with him "in taking order how the whole Diocie may be served".² It was obvious that the services of the existing superintendents could not be summarily dispensed with; and, though the regent Morton might ignore their complaints and allege that with the election of bishops their office was no longer necessary,³ the church itself judged differently, for the assembly of March 1571/2 had confirmed the superintendents of Angus and the Lothians in their respective jurisdictions "without

1. Cf. R.S.S. vii. no. 168; S.R.O. CH4/1/2, 117r, 157r, 172r. Register of Presentations to Benefices; PS1/60/11r. Register of the Privy Seal.

2. B.U.K. i. 243-4; Calderwood, iii. 219.

3. Spottiswoode, ii. 195-6.

prejudice of the said Archbischof" and had required Winram, as superintendent of Fife and Strathearn, to assist the archbishop when requested and to retain his own office within those areas not subject to the archbishop's jurisdiction.¹ When the superintendent of Lothian requested in 1574 to demit his office, he nevertheless recommended the assembly "to provide for another in his room, that the countries whereof he had the oversight, be not destitute of a visiter"² which indicates that he for one considered his office to be still necessary notwithstanding the archbishop's jurisdiction, and if Erskine of Dun had earlier identified the office of bishop and superintendent,³ Spottiswoode now seems to have equated his office with that of visitor or commissioner, a further revelation of the shifting ground in what was an essentially fluid, not to say confused, system of oversight.

The assembly in August 1574 did not, however, accede to Spottiswoode's plea but instead "brotherly requested the said superintendent, in the name of God, to continue in his office till the nixt Assembly", though the same assembly nevertheless appointed one or more commissioners "for assistance and aiding of him in his

1. B.U.K. i. 242; Calderwood, iii. 209.

2. B.U.K. i. 296-7.

3. Bannatyne, Memoriales, 198-9; Calderwood, iii. 157-8.

travells";¹ so that in Lothian, an integral part of the diocese of St. Andrews, oversight and jurisdiction were shared by one archbishop (whom the assembly preferred to call bishop) assisted by one superintendent who in turn was aided by one or more commissioners. Nor was it absolutely clear to whom presentations to benefices should be directed within the diocese of St. Andrews. Erskine of Dun, as part of his duties as superintendent of Angus and the Mearns, continued to give collation to benefices in the diocese of St. Andrews north of the Tay,² as well as to benefices within the dioceses of Dunkeld and Brechin,³ and even, on occasion, within Aberdeen;⁴ while the recognised agency for collation to benefices within the diocese of St. Andrews south of the Forth lay normally with Spottiswoode as superintendent of Lothian.⁵ In Fife, during Douglas' tenure of the see,⁶ presentations seem without exception to have been directed to the archbishop in person,⁷ but in those parts of Perthshire which belonged to St. Andrews, presentations on occasion specified the superintendent of Strathearn⁸ or of Angus⁹ as an alternative to the archbishop, though Winram's activities as superintendent of Strathearn were usually confined to

1. B.U.K. i. 303, cf. 327; Calderwood, iii. 332.

2. E.g. "Strikmartin", (Strathmartin), 20 March, 1572/3; R.S.S. vi. no. 1907.

3. R.S.S. vi. nos. 1624, 1908; 2582.

4. Ibid. no. 1861.

5. Ibid. nos. 1544, 1622, 1845, 1892, 1937, 2419.

6. He died 31 July 1574; Watt, Fasti, 299.

7. Ibid. nos. 1536, 2143, 2171, 2286, 2458, 2509.

8. Ibid. no. 2084.

9. Ibid. no. 2292.

the dioceses of Dunblane¹ and Dunkeld.² At the same time, presentations to benefices as far apart as Logy Montrose, Edzell and Kinnell in Angus, Portmoak in Kinross, Inchtute and St. Fillans in Perthshire, Bothkenner in Stirlingshire, Linlithgow, Restalrig, Kirknewton, Trinity college, Melville and Natoun in the Lothians and Earlston in Berwickshire were all directed to the archbishop himself without naming an alternative.³ Moreover, despite Paton's provision to Dunkeld, both the archbishop of St. Andrews and superintendent of Strathearn received presentations to benefices within that diocese,⁴ and with the death of Douglas in July 1574, the superintendent of Fife and Strathearn again assumed responsibility for the examination of candidates in Fife.⁵ Nor had the activities of the superintendent of Lothian been confined merely to the Lothians, as the reformers had earlier envisaged, nor even to that part of the diocese of St. Andrews south of the Forth, for evidence from presentations to benefices clearly indicates that, in the period prior to the election of Boyd as archbishop of Glasgow in 1573, Spottiswoode's jurisdiction penetrated into Selkirkshire, Peebles.

1. Ibid. nos. 1692, 1694, 1707, 1723, 2023, 2027.

2. Ibid. no. 1829.

3. Ibid. nos. 2311, 2053, 2028, 2331, 2079, 2124, 2250, 2532, 2197, 2437, 1968, 2333, 2382, 2298, (respectively).

4. R.S.S. vi. nos. 1778, 1815, 1832.

5. Ibid. vii. nos. 132, 171, 200, 363, 370.

and Roxburgh, which by 1573 strictly lay within the diocese of Glasgow, where he had been expected to give collation.¹

As archbishop of St. Andrews, Douglas' efforts within the remainder of his diocese had not measured up to the exacting standards of the assembly which repeatedly accused him of not visiting the province of Fife,² and of visiting "by others and not be himself".³ But the aged Douglas was by no means unique, for younger and more energetic men found their duties no less severe. In March 1574/5, the archbishop of Glasgow complained not unreasonably that the "bounds belonging to his jurisdiction was so large and wide that one person was not able to visite and oversee them" and the assembly as a result had to appoint two commissioners to assist him.⁴ In practice Andrew Hay, despite his pleas that another be appointed to the office,⁵ continued as commissioner of Clydesdale, Renfrew and Lennox,⁶ while Peter Watson and Andrew Clayhills were respectively appointed commissioners of Nithsdale and Teviotdale within the diocese of Glasgow.⁷ Paton of Dunkeld, it would appear, after acceding to the bishopric was none too enthusiastic in the execution of the duties pertaining to his office. Though he was elected in 1572,⁸ it was not till

1. Ibid. vi. nos. 718, 1180, 1315, 1892, cf. 809, 856.

2. B.U.K. i. 286-7; Calderwood, iii. 303.

3. B.U.K. i. 270.

4. B.U.K. i. 317-18; Calderwood, iii. 341.

5. B.U.K. i. 311, 337; Calderwood, iii. 332.

6. B.U.K. i. 317, 338; Calderwood, iii. 340; Wodrow Society Miscellany, i. 384, cf. "Register of Ministers", etc. Maitland cl. 84; R.S.S. vi. 2719.

7. B.U.K. i. 318; cf. Calderwood, iii. 351; R.S.S. vi. 2540; vii. 355.

8. Watt, Fasti, 100.

June 1573 that presentations were directed to the bishop.¹ An earlier presentation in January 1572/3 had required the archbishop of St. Andrews or the superintendent of Strathearn, not the bishop, to give collation to Robert Scot, presented to the vicarage of Strathmiglo in the sheriffdom of Fife and diocese of Dunkeld.² In the assembly of August 1573, Paton had been accused that "he had received the name of a Bishop, but they had not heard that he had used the office of a Bishop within his bounds", and, as a result, he was accordingly ordered to carry out a visitation of his diocese immediately after the dissolution of the assembly.³ In August 1574, Paton was censured for not visiting the churches of Lothian which belonged to his diocese,⁴ and the assembly of August 1575 in which Paton was accused of non-residence appointed John Row, minister of Perth, to visit the diocese of Dunkeld at the bishop's expense.⁵ It is not surprising therefore to find a presentation in February 1574/5 to the vicarage of Abercorn belonging to Dunkeld directed not to Paton as bishop but to the superintendent of Lothian,⁶ which should perhaps be read along with the assembly's criticism in 1574 of Paton's neglect in visiting his churches in the Lothians; and similarly in the following month, another presentation to the vicarage of Ruthven required the superintendent

1. R.S.S. vi. nos. 1974, 2021, 2065, 2188, 2240, 2465, 2241, 2822; vii. 168, 173, 197, 403, 529.

2. Ibid. vi. no. 1815.

3. B.U.K. i. 270, 283; Calderwood, iii. 288.

4. B.U.K. i. 300.

5. Ibid. i. 331, 337, 341; Calderwood, iii. 347, 349.

6. R.S.S. vii. no. 63.

of Angus and not the bishop to examine the candidate and give collation.¹

In the diocese of Moray, too, although Robert Pont, as commissioner of Moray had resigned from his office in March 1573/4² after the accession of George Douglas to the bishopric in 1574, the assembly in August 1575 thought fit to appoint David Lindsay, minister of Leith, "to support the visitation of Murrey, and consider the Bishop's diligence with the complaints of the Ministers of the countrie against him, during his residence there"³ and a presentation of November 1575, which may conceivably reflect the activities of Lindsay as commissioner or visitor, specified that collation should be given either by the bishop or commissioner of Moray.⁴ In Brechin, where Alexander Campbell, though still a minor, had been provided to the bishopric in 1566,⁵ the administration of the diocese had been conducted since 1561 by Erskine of Dun, superintendent of Angus and the Mearns, on the church's behalf, and it was only after Campbell's return to Scotland from Geneva with Melville in 1574 that the assembly in March 1574/5 had finally required the young bishop to be present with Erskine at visitations "that he may see the order and proceeding used by the Superintendent in his office" and the superintendent himself was in turn continued in his office till the next assembly.⁶ But

1. Ibid. no. 98.

2. B.U.K. i. 297; Calderwood, iii. 304.

3. B.U.K. i. 337; Calderwood, iii. 354.

4. R.S.S. vii. no. 331.

5. Watt, Fasti, 41; Keith, Bishops, 166.

6. B.U.K. i. 318.

presentations to benefices within the diocese of Brechin continued to be directed, significantly enough, to Erskine as superintendent and not to Campbell as bishop.¹

In Aberdeen, where no bishop was appointed till 1577,² George Hay and John Craig, the regular commissioners, did of course continue uninterrupted,³ while within the diocese of Ross it would appear that Robert Graham, who was present in the assembly of March 1574/5 as commissioner of Ross,⁴ continued to function, at least for a spell, along with Alexander Hepburn, the newly appointed bishop. A presentation of 4 August 1575 certainly suggests that he did, for in that document the commissioner appears as an alternative to the bishop;⁵ and in the assembly of August 1575 Graham, who was by then commissioner of Caithness, is said to have "supported" the diocese of Ross for that year albeit he had no longer any commission from the church.

As bishop of Dunblane, Andrew Graham seems to have played no part in admissions notwithstanding the fact that he was appointed visitor by the assembly in April 1576,⁶ for on his own testimony, Graham himself declared before the presbytery of Stirling in 1582 that "he never gaif ony collatioun to beneficis to na persone sen his admissioun to the foirsaid bishoprie as the foirsaid brethrein

1. R.S.S. vii. nos. 742, 749, 1029, 1282, 2447, 2451.

2. Watt, Fasti, 4.

3. B.U.K. i. 316, 321, 332, 337 and passim.

4. Ibid. 321.

5. R.S.S. vii. no. 262.

6. B.U.K. i. 359.

in Dumblane present knew, and being demandit thair of affermit the same".¹

In Argyll and in the Isles, where Carswell had been superintendent, and since 1565 bishop of the Isles,² information on the activities of any commissioner in the early 1570's is hard to come by, and even on Carswell's death in 1572 no commissioner appointed by the assembly is known to have functioned. Even when visitors were appointed in 1576 no immediate provision was made for Argyll and the Isles.³

That commissioners along with the three surviving superintendents should remain "to help these Bischops that hes ovir great charge" was thus clearly envisaged, and the assembly had accordingly requested the regent in 1574 and 1575 that stipends be made available for them to continue in their offices.⁴ Added to this was the problem of the three conforming bishops of Galloway, Orkney and Caithness, who had supported the reformation and undertaken work within the reformed church, for their status within the church had been no more than that of commissioner. Of the three, Alexander Gordon, "sometime commissioner of Galloway" had been suspended from all function within the church in 1568 and again in 1573.⁵ From

1. MS. Records of Stirling Presbytery, minute of 25 December 1582. R.S.S. vii. no. 589 is the only entry wherein the bishop was specified as the sole agent for collation.

2. Watt, *Fasti*, 206.

3. See above, *supra*. But see also G. Donaldson, *The Scottish Reformation*, 173 (citing Breadalbane Papers, 17 August 1576): in the diocese of Argyll "where the ineffective James Hamilton was still bishop, there were apparently 'visitors' under him to do the active work in the diocese".

4. B.U.K. i. 305, 338-9; Calderwood, iii. 295, 351-2.

5. B.U.K. i. 150, 261, 337; Calderwood, ii. 491; iii. 273, 349.

1568 the active work in the diocese had been performed by John Row, Patrick Adamson and John Duncanson, who held commissions for that purpose from the assembly,¹ and it was not till 1575, the year of his death, that Gordon, though still suspended from all commission of visitation, was nevertheless exhorted by the assembly "to concur and help the Commissioner of Galloway in his visitation, for keeping good order and discipline within these bounds".²

Adam Bothwell of Orkney had fared scarcely better. His deprivation "fra all functioun of the ministrie" in 1567³ had been followed a year later by his restoration to the ministry of the word,⁴ though apparently not as commissioner. In 1570, he was content to describe himself as having "only kepted his own parish kirke",⁵ and from 1569 onwards the supervision of the diocese had in fact been entrusted to James Annand and Gilbert Foulisie whom, with the assistance of Robert Stewart, commendator of Holyroodhouse, the assembly had appointed commissioners of Orkney and Shetland.⁶

Robert Stewart, bishop of Caithness,⁷ likewise seems to have taken only an intermittent interest as commissioner in the oversight

1. B.U.K. i. 131, 186, 190, 200, 239, 256, 261, 271, 281, 282, 316, 337.

2. Ibid. 343; Calderwood, iii. 349.

3. B.U.K. i. 114; Calderwood, ii. 393.

4. B.U.K. i. 131; Calderwood, ii. 424.

5. B.U.K. i. 168; Calderwood, ii. 534.

6. B.U.K. i. 134, 190, 290; Wodrow Society Miscellany, i. 332.

7. Stewart who in 1542 had received a papal grant to administer the see (Watt, Fasti, 61; Keith, Bishops, 215) was thus styled administrator of the see or bishop elect (e.g. R.S.S. vii. no. 1057).

of his diocese. He is known to have received commissions from the assembly in 1563, 1568 and again in 1569 to oversee Caithness;¹ but as early as 1563 Donald Monro, commissioner of Ross, had been required to assist Stewart in Caithness,² and in 1571 Stewart though "head commissioner" had been placed in the subordinate and somewhat unusual position of having merely to "assist" John Gray of Fordell, the regular commissioner of the diocese.³ Thereafter, the routine oversight and visitation of the diocese appears to have been carried out by a series of commissioners appointed by the assembly in the persons of John Robertson, Robert Graham, John Gray of Fordell and George Hay.⁴

By the early 1570's, therefore, the administration of the diocese of Galloway, Orkney and Caithness was conducted by commissioners other than the existing bishops. Not only so, but by 1575, on the eve of the scheme for introducing visitors at the expense of the newly created bishops, it would appear, notwithstanding the fact that eleven sees were occupied by protestant bishops, that commissioners along with Erskine, Spottiswoode and Winram continued to administer those dioceses where there were no bishops or to assist in the diocesan administration where there were bishops in all but two or possibly three of the thirteen Scottish dioceses. Viewed in this context, therefore, the appointment of visitors or commissioners charged with the responsibility

1. B.U.K. i. 32, 34, 129-130, 136.

2. Ibid. 34; Calderwood, ii. 224; "Register of Ministers", etc. (Maitland cl.), 51.

3. B.U.K. i. 190.

4. B.U.K. i. 287, 311-12, 332, 337; Wodrow Society Miscellany, i. 334.

of visitation and oversight was in terms of existing practice merely a change in emphasis of a comparatively minor nature and a reaction in favour of the system which had developed in the late 1560's when visitation was largely in the hands of commissioners.

The arrangements of 1576 represented neither the introduction of any new principle, for oversight remained in the hands of individuals, nor did it in any way alter the machinery of government within the church which remained totally unaffected. Or to put it another way, just as the existence of superintendents and commissioners kept the way open for the introduction of a formal episcopate, so too could the earlier constitution swing the other way and be used to justify the developments of 1576. Indeed, it comes as no surprise to find that the controversy over the parity of ministers so conspicuous in England remained in the 1570's largely muted in Scotland where the general assembly immediately accepted the contention of Melville and Durie, supported by the subsequent report of the committee on bishops, that there was in fact no theological difference between bishop and minister, which were but two names for the one office.

Melville's contribution was doubtless important, possibly decisive, in guiding the assembly towards the solution of 1576 but whether the assembly needed much convincing is another matter. It was at any rate out of this practical reappraisal of a complicated, inconsistent and even chaotic system of oversight as much as from any consideration of doctrinaire abstractions that the assembly came to the conclusion in April 1576 that:-¹

1. B.U.K. i. 353; Calderwood, iii. 363.

"Forsamekle as the great and intollerable burden lying to the charge of Bishops, Superintendents and Commissioners, is, and hath been the very cause, that the whole Kirk within thir bounds could not be duely overseen, consequently good discipline unexercised within the same for lack of visitation: Therefore it is thought meet, that such bounds be appointed to every Commissioner and Visitor, as may be duely visit and overseen be every one of them ..."

But even before it had come to consider the speeches of Melville and Durie, the previous assembly of August 1575 had already decided in favour of altering commissioners from one area to another each year lest "the lang continuance of Commissioners in thair offices, sould induce some ambition and inconvenience within the Kirk",¹ and such an argument could also be employed against the recently elected bishops whose appointment had been of course for life, which was itself a novel feature of the arrangements of 1572. There is evidence, too, that in the period before the assembly of August 1575, the period that is before Melville expressed his criticisms of diocesan episcopacy, ~~that~~ Morton's attempts to "induce" into the Scottish church "the liberty used by the magistrates and bishops of the Church of England" had incurred "misliking" and widespread misgivings among the ministers themselves; and "in the meanwhile the church fast holds her own" was the verdict of one English diplomat in Scotland.² In other words, the church had already viewed with concern and disquiet the regent's strenuous attempts to approximate the polity of the Scottish church with that of England. Morton's polity of conformity with England

1. B.U.K. i. 336-7; Calderwood, iii. 353-4.

2. C.S.P.Scot. v. no. 187, p. 180.

had plainly run into difficulties prior to Melville's ascendancy; and one archbishop, no less, indicates that the regent by 1574 (again in the period before Melville's influence could be felt) had forfeited the church's support.¹ All in all, Melville's contribution, it would seem, was merely to confirm the church in its opposition to Morton's ecclesiastical policies.

But quite apart from the structural defects of an obsolete diocesan administration and the continued reliance upon commissioners, a further link between existing dissatisfaction arising out of the operation of the Leith agreement and the genesis and development of the Melvillian movement is to be traced to the method whereby bishops were elected and to the very character and qualities reflected in the new protestant episcopate itself. Within the church as a whole, there had been from the start a good deal of opposition to the unsatisfactory nature of episcopal appointments, and, as already indicated, Durie's protest, in particular, may in part have emerged from a critical appraisal of the role of the chapter in the election of bishops. Certainly to many, were bishops to remain, their election by ministers and congregations was obviously to be preferred to the newly adopted system as it stood.

The election of bishops as a result of the settlement of 1572 which had confirmed the crown in its traditional role of providing to bishoprics candidates whose eligibility had been confirmed by an electoral chapter was essentially both restrictive and conservative, and had more in common with pre-reformation or

1. Spottiswoode, ii. 196.

Anglican procedure than it had with the election of superintendents. In the case of the latter, the reformers had explicitly provided for popular and congregational participation which had made their election a good deal more democratic and more in keeping with Scottish reformation standards. The procedure in appointing superintendents initially had been for the privy council to direct "thar cherge and commandiment to the ministeris, eldaris, and diaconis, of Lothyane, Fyff, Mernis, Glasgow, Argyll, and of partis adjacent, requiring tham, and every diocy for the self, to propone be publict edict certan men in the said chearge specified".¹ Accordingly, in Winram's election, the "erlis, lordis, barronis, burgessis, ministeris, eldaris of kyrkis, and all otheris to quhom vot apperteins in eleccion of sic cheef ministeris" were charged by the minister and kirk session of St. Andrews to compear and "assist the said eleccion, and be ther votis to consent to the same, or ellis to oppone aganis the lyff and doctrin of the person nominated".² Similarly, while "elected" in the first instance by the privy council,³ Spottiswoode, for one, as superintendent of Lothian had acknowledged that "be the consent of the kirkis of Lautheane and be the commandement of the nobilitie I am appoynttit superintendent oure the same".⁴ Such a statement was of course

1. R.St.A.K.S. i. 74.

2. Ibid.

3. S.R.O. GD.1/371/1. Warrender Papers, vol. a. fo. 93; cf. G. Donaldson, Scottish Reformation, 226.

4. S.R.O. GD.1/371/1. vol. A. fo. 98v.; G. Donaldson, op. cit. 227; cf. GD.1/371/1. fo. 92r. where Spottiswoode is referred to as "being chosin be the kirk superintendentt of Lotheane".

strictly in accordance with the procedure laid down in the Book of Discipline and in the Form and Order for the election of superintendents which required the participation of the local Christian community in order that the church, in the words of the former document, might be brought "in some practice of her liberty".¹ At the same time, it is clear that the church regarded the privy council's nomination of superintendents purely as an ad hoc arrangement, for future elections after the lapse of three years were to lie, according to the Book of Discipline, not with the central government but with the ministers, elders and deacons and town council of the principal town of the province.² Nor had the consent of the people in the election of superintendents been a mere formality. According to Knox, Alexander Gordon, bishop of Galloway, in his efforts to become superintendent went so far as to bribe the electors of Galloway³ - a step he evidently felt necessary to secure his election - and even though he might claim to have been nominated and presented by the privy council as superintendent of Galloway, the general assembly judged such a nomination to be insufficient in itself, and, refusing to "acknowledge him for anie superintendent lawfullie called, for the present", required that "letters be sent to the kirkis of Galloway to learne whether they craved anie superintendent or not, and whom they sought"⁴ which effectively demonstrates that election by the privy council

1. Knox, Works, ii. 205; History, ii. 293.

2. Knox, Works, ii. 206; History, ii. 293-4.

3. Knox, Works, ii. 374-5; History, ii. 73.

4. B.U.K. i. 15; Calderwood, ii. 184-5 (*Italics mine*).

was in itself insufficient to guarantee a candidate's provision as superintendent. Moreover, in the abortive negotiations to elect additional superintendents in 1562 and in subsequent years, appointments lay, significantly enough, not with the privy council but with the general assembly which nominated leets of candidates,¹ though on occasion the privy council's advice may have been sought.²

The contrast between the reformers' ideals regarding the election of superintendents and the prevailing procedure after 1572 for the election of bishops is thus quite evident, and what is equally plain is that the machinery for nominating bishops by the crown did not always work in the best interests of the church. All too often appointments of the unreformed variety continued to be made, and, as a consequence, the ablest and most experienced ministers did not become bishops. Indeed, none of the bishops chosen in the period under discussion can be said to have played any prominent part in the general assembly prior to their election; and as regent, Morton himself from motives of his own seemed predisposed to make dynastic appointments. Accordingly, two fellow Douglasses had been chosen to fill the sees of St. Andrews and Moray, while Andrew Graham, who is said to have been uncle to the earl of Montrose,³ had been provided to Dunblane, although he had never been minister. In Paton's appointment to Dunkeld, Argyll may have been influential,⁴ and in the choice of a candidate to

1. Cf. B.U.K. i. 27, 28, 32, 54; Calderwood, ii. 206-7, 224, 284.

2. B.U.K. i. 30; Calderwood, ii. 208-9.

3. Cf. Keith, Bishops, 181.

4. Ibid. 97.

Glasgow, James Boyd, brother to lord Boyd, is reported to have been "inducit be his Cheiff to tak the bishoprie, the gift wharof the said Lord Boid, being a grait counsallour to the Regent, haid purchassit for his commoditie".¹ All too often, the church's voice in the election of candidates to sees seems to have been largely a negative one; but by 1575 the attitude of the church considerably hardened for in that year it was reported that the bishopric of St. Andrews continued to remain vacant "because the College will not agree to choose a man of the Regent's nomination".² It is indeed all too evident that in the early 1570's the quality of the episcopate did not always measure up to the assembly's expectations. It had after all been Melville's participation in 1574 in the examination of the suitability of the bishops of Moray and Dunblane, two unsound appointments, which seems to have coloured Melville's own attitude towards episcopacy, and even as late as August 1575, two years after the licence to elect had been issued,³ there had been a resolution to suspend Douglas as bishop of Moray, for it was said that "he is not qualified sufficiently to be a bishop".⁴ Paton of Dunkeld had meanwhile been suspended for failure to carry out the assembly's instructions;⁵ and the earlier career of Alexander Campbell, bishop of Brechin, appears to have been singularly unimpressive.

What is also significant is that criticism of episcopal

1. Melville, Diary, 47.

2. C.S.P. Scot. v. no. 187, p. 181.

3. Cf. Watt, Fasti, 217.

4. C.S.P. Scot. v. no. 188.

5. Ibid. no. 187.

appointments dated not merely from the period subsequent to Melville's homecoming but had in fact emerged over two full years prior to his arrival on the Scottish ecclesiastical scene. The election of "ane agit learnad man",¹ John Douglas rector of the university and provost of St. Mary's college, to the archbishopric of St. Andrews in 1572 had been extremely unpopular. Not only had Douglas been the unfortunate candidate unilaterally appointed to the see by the government in August 1571, an action which proved abortive only on the church's steadfast opposition, but his retention with the assembly's approval of his university commitments after his accession to the archbishopric in 1572² together with his advanced age and infirmity made him a totally unsuitable candidate for the appointment. The electoral chapter itself had experienced difficulty in reaching an agreement as to his election, for it was said that "many of the godlie ministeris were against it", and one, George Scot, minister of Kirkcaldy and a member of the chapter, proceeded to make a formal protest at Douglas' appointment,³ while Knox, for another, indicated his anger and disapproval clearly enough by resolutely refusing to take part in Douglas' inauguration, and when an opponent hinted that he had coveted the archbishopric for himself Knox went further and, revealing his inmost feelings, declared that he had already refused a greater bishopric than St. Andrews and that his object in protesting was simply "that the kirk of Scotland suld not be subject

1. C.S.P.Scot. iv. no. 149, p. 134.

2. B.U.K. i. 241-2; Calderwood, iii. 210-11; Bannatyne, Memoriales, 228.

3. Bannatyne, Memoriales, 223; Calderwood, iii. 206.

to that ordour which then was used, considering the lordis of Scotland had subscryvit and also confirmed in parliament the ordour alredie and long agoe appointed in the buke of discipline".¹

Knox's lack of sympathy for the Leith agreement at which he had not been present was evident and his preference for the earlier polity which he had helped to create was equally plain. In 1572 he had looked back over ten years, a trifle nostalgically, to the system, supplanted by the Leith agreement, in which oversight had been committed to superintendents and commissioners whose provinces had been rationalised and streamlined to meet the needs of an energetic regional administration. Indeed, for England, his advice in 1559 had been that the large English dioceses be subdivided by ten so that "in every citie and great towne there may be placed a godly learned man, with so many joyned with him, for preaching and instruction, as shalbe thoght suficient for the bondes committed to their charge" since as they stood such "great dominions and charge (impossible by one man to be discharged) are no parte of Christ's ministerie, but are the maintenance of the tyrannie first invented, and yet reteyned by the Roman Antichrist".² But the substance of Knox's scheme was achieved not in England but in Scotland where within two years the thoroughly obsolete boundaries of the much smaller Scottish dioceses had been replaced by a new provincial organisation with rationalised boundaries to which had been appointed superintendents (or in their absence commissioners) whose administrative headquarters were situated in the chief town

1. Bannatyne, Memoriales, 256-7; Calderwood, iii. 207.

2. Knox, Works, v. 518-19.

of each province, and whose work was carried out with the assistance of the local kirk session.

Thus, while expressing no disapproval of the office of bishop as such, Knox at the same time remained qualified in his acceptance of a formal episcopate. His ideal was for an overseer whose status was decidedly not monarchical but rather strictly constitutional, for throughout his career he had repeatedly expressed his disapproval of lordship within the ministry. But whether the overseer was a bishop, so called, or not mattered little to Knox who was perfectly content to see visitation and other administrative functions (not excluding "inauguration" or ordination) performed by any minister deputed by the church for that purpose, either for an indefinite period or for a term. The whole emphasis of his thought was upon the provision of an active and energetic preaching ministry and he himself seems to have been temperamentally disinclined to accept such an office as that of bishop for himself. As a parish minister in Edinburgh, he found "his estate honourable enough";¹ yet his refusal to become a superintendent, significantly enough did not preclude his acceptance of a good deal of visitation and oversight on a purely temporary basis. He had accordingly accepted the office of visitor or commissioner in 1562, 1564, 1565, 1567 and 1568;² while in a letter to a friend in England, he yet

1. Knox, Works, vi. 122.

2. B.U.K. i. 51, 54, 57, 73, 113, 130; Calderwood, ii. 282, 284, 304, 394; C.S.P.Scot. i. nos. 1136, 1157, pp. 647, 649; Knox, Works, vi. 142, 143.

again revealed his marked preference for a purely pastoral ministry, to be, that is, "a painfull Preacher of his blessed Evangell" as opposed to "a lord-like Bishop";¹ a remark which he seems to have repeated in 1572.² Knox's own position, which remained consistent throughout his career, may be paralleled with that of Christopher Goodman, who while resident in Scotland numbered among his criticisms of the Elizabethan settlement the making of "lordly bishops before the realm is provided of necessary ministers",³ and with the stand of Thomas Sampson in England, who also had refused a bishopric like Knox and who in similar vein had protested "let others be bishops; as to myself, I will either undertake the office of a preacher, or none at all".⁴

The question of episcopal appointments had thus with Knox raised the deeper issue of the Leith episcopacy itself and this seems to have gone some way towards a reassessment of the reformers' attitude to the very nature of the office of bishop, so termed, as it had emerged within the Scottish church. Knox's antipathy to "lord-like bishops", though apparently founded on no doctrinaire objection to episcopacy as such, may well have contributed to his hostile reaction to the events of 1572, and he may have shared in the apprehension that the Leith articles entailed more than mere changes in detail, something more, that is, than the replacement of superintendents by bishops, since not only was the re-introduction

1. Knox, Works, vi. 559.

2. C.S.P. Scot. iv. no. 452.

3. C.S.P. Scot. i. no. 554.

4. Zurich Letters, i. 63.

envisaged of the old hierarchical styles, rejected at the reformation, but the jurisdiction of the new bishops was judged to be no more than that exercised by the superintendents only "until the same be agreed upon",¹ a phrase which might be said to leave the way open for further innovations.

It was indeed only when he realised that despite his protests the new order was not to be superseded, when he saw, that is, no possibility for the dissolution of the prelacies for which he craved or for any return to the earlier constitution which he had helped to create, that Knox finally turned his attention to remedying the abuses associated with the settlement of 1572, attempting at the same time to ensure that future appointments would be at least respectable and that the scandal inherent in "tulchanism" would be arrested.²

But apart from Knox's own reaction to the settlement, it would appear that in practice it was none too easy to distinguish doctrinal protest from the general animosity and indignation surrounding Douglas' appointment and the abuses associated with the dilapidation of bishoprics, of which Paton who held Dunkeld seems to have been a particularly conspicuous offender. Certainly the protest of Adamson, then "a zealus preatchour against Bischopes",³ (though he was later to reverse his judgment which in itself is indicative of the fluidity which governed developments in the early 1570's) came close to voicing a doctrinal objection to Douglas'

1. B.U.K. i. 209; Calderwood, iii. 172.

2. B.U.K. i. 247-9; Calderwood, iii. 765-7; Knox, Works, vi. 619-21.

3. Melville, Diary, 32.

election, when he is widely reported to have stated in a sermon that there were three sorts of bishop, the papal prelate or "my lord bishop", the "tulchan bishop" who was "my lord's bishop" and "the Lord's bishop" who was none other than "the trew Minister of the Gospell".¹ Beza's letter of 1572, it would seem, may not have gone altogether unnoticed, and it is indeed remarkable that Adamson, who had recently returned from France, should voice a criticism which anticipated by several years Beza's famous De triplici episcopatu.

In one sense, there was indeed nothing radically novel about Adamson's utterances for both Calvin and Beza had identified the bishop and presbyter of the New Testament with the minister of the word and sacraments, and both regarded episcopacy as a purely human expedient.² Balnaves in Scotland in the 1540's had used "bishop" and "minister" indiscriminately,³ and Buchanan had spoken critically of how "a bishop is said to have only one church" and how "others are commended to his care and all are plundered".⁴

It was against this background that Durie's objection to episcopacy in 1575 should be viewed and it was equally out of this fluid situation that Melville received widespread support and succeeded in carrying the church with him on this issue. According to his admiring nephew, several of the leading ministers

1. Ibid.; Calderwood, iii. 206; David Hume of Godscroft, History of the Houses of Douglas and Angus, 320-321.

2. See below, 268-271.

3. Knox, Works, iii. 531-534; cf. 538-9.

4. George Buchanan, De Jure Regni Apud Scotos, xxxi, p. 46.

of Edinburgh had been "informed mair throwlie be Mr Andro of the unlawfulness of Bischopes"¹ which may well suggest that some already had entertained reservations of their own and were already in the process of reaching a similar conclusion for themselves. Such a deduction might also be drawn from James Melville's remark when speaking of the year 1574 in which he depicts Andrew Hay as one "wha lyked never those bishoppries, and wha specialie was the earnest suttar for Mr Andro Melvill".² Had there not been discussion and some questioning of the assumptions upon which the system of the newly emerged episcopate had evolved, then Melville's astonishing success and the support which he received in the assembly would indeed be hard to explain.

All in all, it is certainly difficult to see any reason which would have prevented Knox, for one, had he lived from supporting the arrangements of 1576 whereby the newly introduced episcopacy was superseded by commissioners or visitors. There is of course no reason to believe, it may be added, that Knox regarded the office of bishop as anything other than a human expedient. That he did not regard it as of divine right is strongly suggested in the Genevan emigrants' Forme of Prayers in whose preparation he had participated which recognised the scriptural ministries of pastor, elder and deacon but which made no mention of bishops. Nor was this because their exile afforded them no opportunity for utilising such an office, for the authors of that document explicitly affirmed that "we are not ignorant that the Scriptures make mention

1. Melville, Diary, 52.

2. Ibid.

of a fourthe kynde of Ministers left to the Churche of Christe, which also are very profitable, where tyme and place dothe permit"¹ but this was of course an allusion to the office of doctor, not that of bishop; and similarly within Scotland, the two official documents relating to the ministry, the Book of Discipline and the Form and Order for the election of superintendents and other ministers, both remain silent on the subject, and the only justification for making "difference betwix preachearis at this tyme" was the slender statement in the Book of Discipline that without superintendents "the greatest part off this Realme should be destitute of all doctrine".²

But notwithstanding Knox and these official standards, there were apprently others who thought differently. At Winram's election in April 1561, the office of superintendent was justified not only on practical grounds but also on the grounds "that of Crist Jesus and of his apostoles we have command and exempill to appoynt men to sic chergis".³ Such a statement, while unique in the ecclesiastical annals of the 1560's, is doubtless important, and Erskine of Dun returning to this theme in 1571 asserted that to take from a bishop or superintendent power to admit and oversee

1. Knox, Works, iv. 177.

2. Knox, Works, ii. 201-2; History, ii. 291. No special significance need be attached to the statement, as part of the benediction, in the Form and Order for the election of superintendents and other ministers that the candidate elected had been called by God to the office of "Watchman over his peple", (Knox, Works, ii. 149; History, ii. 276) for it was by no means unusual for ministers, elders and deacons to be so described. (E.g. R.St.A.K.S. i. 274).

3. R.St.A.K.S. i. 75.

ministers was "to alter and abolishe the order which God hath appointed in his kirk".¹ On the other hand, the circumstances surrounding Erskine's utterances are too important to go unnoticed for his objective was to repel secular interference in ecclesiastical matters, and it is certainly difficult to reconcile Erskine's pragmatic assertions of 1571 with his later acceptance of the arrangements of 1576, when he became visitor and undertook a congregational ministry, and, even more so, with his contributions to the second Book of Discipline, in the preparation of which he took a significant part, all of which he could scarcely have done, one might suggest, had he continued to feel strongly that the office of bishop was of divine origin. Nor should it be overlooked that one month after his letter to the regent in November 1571, Erskine wrote another letter wherein he gave his considered "judgement" on the church of Scotland and its ministry. Here was a perfect opportunity for Erskine, had he wished, to elaborate his ideas on the true nature and function of the episcopal office. Yet, curiously enough, far from advocating the ius divinum of episcopacy, Erskine conspicuously omitted any mention of the office of bishop save in one passage where he appears to equate bishop with minister when he speaks of the apostle's injunction which "requeris a bischop, or ministere, to keip hospitalitie".² What Erskine presumably had in mind was Paul's epistle to Titus.³ If, in the heat of the

1. Calderwood, iii. 158.

2. Spalding Club Miscellany, iv. 96.

3. Titus, i. 7-8: "For a bishop must be blameless, as the steward of God; not selfwilled, not soon angry, not given to wine, no striker, not given to filthy lucre; but a lover of hospitality, a lover of good men, sober, just, holy, temperate".

moment, the appeal of his letter in November had been to expediency rather than principle, his more considered statement in December is perhaps to be regarded as a truer indication of Erskine's doctrine of the ministry and an approach which is certainly more consistent with his subsequent career and thought.

In similar vein, the bishops of Dunblane, Ross and Moray who without hesitation signified their acceptance of particular congregations and undertook to act as visitors can hardly be said to have entertained any notions of the ius divinum of bishops, and Winram himself, it may be remarked, voiced no objection which has gone recorded to oversight by visitors and seems moreover to have accommodated himself easily enough to the new situation.

What precisely contemporaries meant by bishop may perhaps after all have been largely a matter of semantics. What they did demand was efficient oversight but their attitude was sufficiently flexible for the most part to allow the system of oversight by superintendents and commissioners in the 1560's to oscillate either towards bishops as it did in 1572 under Morton's auspices, or away from bishops to commissioners or visitors as it did in 1576, and, while a few later had second thoughts, the conclusion must be that in 1576 both within the general assembly and within the church as a whole there was no predisposition to accept bishops without investigating alternative methods of oversight. Melville's achievement in just two short years after his arrival in Scotland thus lay in guiding opinion away from the Leith episcopacy, with its accompanying defects, towards another solution substantially moulded on the system of the 1560's.

A fourth contributing factor towards the rise of the presbyterian movement is to be traced to the financial loopholes associated with the Leith settlement whereby the revenues of the bishoprics could be alienated for secular purposes. Through pressure or persuasion the bishops were prevailed upon to feu lands pertaining to the temporality or set in tack teinds belonging to the spirituality of their bishoprics, or alternatively to grant, or confirm, pensions in money or in kind out of their episcopal revenues. In the assembly of March 1569/70, Adam Bothwell of Orkney had been accused of simony, and he had admitted setting in tack the fruits of his bishopric,¹ but such a confession apparently did not deter him from feuing lands belonging to his see² or from granting pensions on a substantial scale from the abbey of Holyrood of which he was commendator;³ and he was also ready to consent to the charters of others who wished to indulge in similar activities.⁴

Another conspicuous dilapidator was Paton of Dunkeld who had been accused in the assembly in August 1574 of making a simonical pact with the earl of Argyll. Paton's reply was that he had refused the earl's overtures, though he did admit that he had yielded certain pensions from the bishopric which he had since revoked and that he had dilapidated his benefice by setting a nineteen year tack of thirty six chalders of teind victual for 5/8d. a boll to Argyll out of the spirituality of the bishopric. Although he ple~~d~~d, as

1. B.U.K. i. 162-3, 166-7; Calderwood, ii. 532.

2. E.g. R.S.S. vii. no. 988.

3. Ibid. vi. nos. 1302, 1317; vii. 1495, 1724, 1776, 2196.

4. Ibid. vii. nos. 1711, 2206, 2130, 2558, 2559.

part of his defence, that he had been forced to make such an agreement on account of "his house being beseiged, and his son taken away", and although he ingeniously suggested that an act of assembly against dilapidation applied only to ministers and not to bishops, the assembly nevertheless dismissed his excuses and finally in 1576 deprived Paton of his office, a decision indeed, it may be added, with which the regent could find no fault.¹ Paton's transactions were, however, by no means confined to the earl of Argyll. His activities are known to have included the feuing of episcopal lands to a good many other parties² including a feu charter to Colin Campbell of Glenorchy and his wife Katherine Ruthven,³ whose second son later received a gift of the escheat of the bishop's goods when Paton was put to the horn at the instance of lord Boyd, collector-general, for nonpayment of certain fruits of the bishopric.⁴

As bishop of Brechin, the young Alexander Campbell was liberal in his bestowal of feu charters⁵ including one to the earl of Argyll, chief of the Campbells;⁶ while Robert Stewart, as bishop of Caithness⁷ and commendator of St. Andrews priory,⁸ was lavish in

1. B.U.K. i. 300, 314-15, 331-332, 340-1, 350-2; Calderwood, iii. 288, 330-1, 347-8, 359-60.

2. E.g. R.M.S. iv. nos. 2236-44, 2318, 2397, 2504, 2631, 2719, 2871, 2989; R.S.S. vii. no. 426.

3. R.S.S. vii. no. 2367.

4. Ibid. nos. 1490, 1521.

5. E.g. R.M.S. iv. nos. 1745, 2228, 2443, 2833.

6. Ibid. no. 1764.

7. R.S.S. vii. nos. 987, 2696.

8. Ibid. vi. nos. 1144, 1285, 1564, 1721, 2059, 2438; vii. 812, 1198, 1234-5, 1358, 1675-6, 1735, 1894A, 1901, 1983, 2319, 2696.

his grants. James Boyd, as bishop of Glasgow, did at least make some attempt to keep the feuing and granting of pensions within the family,¹ though the earl of Morton was obviously not to be outdone.²

After his accession to St. Andrews, Patrick Adamson, who had been minister of the regent's household,³ was no exception in the feuing of the lands belonging to his bishopric,⁴ including at least one charter to Beaton of Balfour,⁵ and he proved positively generous in assigning pensions,⁶ particularly those which he granted to Morton's retainers and servitors.⁷ From the evidence of the privy seal and great seal, Andrew Graham of Dunblane appears to have been almost respectable, but a glimpse into his financial transactions from another source casts a very different light on Graham's career. In the parliament of July 1578, the kindly tenants of Dunblane complained that Andrew Graham, "provost of the bishopric" had set the whole temporal lands of the see in feu to the earl of Montrose whereby a thousand "commonis and pure people wilbe put to uter heirschip and extreme beggartie ... quhen as sa grite rowmes quhairupoun sa mony ar sustenit salbe reducit in the handis of ane particular man".⁸

1. R.M.S. iv. nos. 2382, 2407, 2881, 2937; S.R.O. CH4/1/2. fo. 83v. 84r. Register of Presentations to Benefices.

2. R.M.S. iv. 2727, 2764. For other grants from the archbishopric see R.M.S. iv. nos. 2199, 2416, 2938, 3012; R.S.S. vii. nos. 180, 1413, 2075, 2126.

3. Cf. ibid. no. 219.

4. R.M.S. iv. nos. 2703-6, 2725, 3030; R.S.S. vii. nos. 1137, 1139.

5. R.M.S. iv. no. 2831.

6. R.S.S. vii. nos. 827, 865, 868, 941, 1614, 1726, 1746, 2015, 2182, 2226, 2493, 2497.

7. Ibid. nos. 824, 862-864, 866, 867, 869, 902, 916.

8. A.P.S. iii. 111-112, c. 32; cf. ibid. 165-166, c. 48.

In the light of these developments, it is not surprising to find one contemporary observer remarking as follows:-¹

"So thir lordis come to sic proffeit be thir counterfet bischopis that thay obtenit fewis takis and teindis as thay pleisit. And thir bischopis war namit throche the cuntrie the lordis counterfett bischopis and nocht men of the kirk of god nor guid religion."

- a remark which ought perhaps to be read along with Adamson's reported denunciation of the new order in 1572. No doubt the evils of tulchanism were modest by pre-reformation standards but this was obviously no excuse for the existence of such a practice in a church which professed to be reformed. While the financial transactions of the so-called tulchan bishops were by no means unique - for other ministers too were very often placed in similar circumstances and were equally guilty of dilapidating their benefices on a smaller scale² - the very wealth of the bishoprics and greater benefices, compared with that of the lesser benefices of under 300 merks a year, obviously made the resulting abuses all the more glaring and intolerable. Moreover, the transference of episcopal functions from bishops to visitors in 1576 made the retention of the revenues of the sees nominally in the hands of one individual all the more indefensible, and, indeed, the logical outcome of such a transference was for the elimination of the bishoprics; or, to put it another way, if as the assembly had accepted all ministers were bishops (or all bishops ministers) then there was clearly no justification for the continued existence

1. Robert Lindesay of Pitscottie, The Historie and Cronicles of Scotland, ii. 283.

2. Cf. B.U.K. i. 336; Calderwood, iii. 350.

of bishoprics as ecclesiastical entities. Equally, if the organisation of the medieval church and the continued existence of the bishoprics had led, logically or illogically, to the creation of a formal episcopacy in 1572, then so might the reverse of such a process prove true. In other words, viewed from another standpoint, the earlier ideal for the elimination of the bishoprics, to which Melville had added his support, if consistently pursued, would in itself go far towards the eclipse of the Leith episcopacy and consequently make possible the reversion to earlier practice and the return to oversight by superintendents and commissioners.

The Melvillian solution to the problem of the greater benefices thus remained precisely that which had been advocated by Knox and the first reformers in 1560. It was none other than a return to the earlier ideal of the dissolution of the prelacies - an ideal, indeed, which was the church's aim as late as November 1571, as Erskine of Dun had indicated,¹ and one, moreover, which Knox had approved in 1572.² The conclusion must be therefore that whereas the operation of the Leith agreement temporarily deflected the policies consistently pursued by the first reformers, Melville's solution and remedy represent the embodiment and the logic of earlier ideals.

Indeed, on such an issue, no fundamental divergence of viewpoint can be detected between Knox and Melville. The latter's solicitude for the integrity of the church's patrimony is indicated, for example, in two letters to Beza in October 1578 and in November

1. See above, 152-3.

2. See above, 204-7.

1579 in which Melville had spoken critically of "those who have grown rich by sacrilege, and loaded themselves with the spoils of Christ" and of the nobility's aversion to the restitution of the church's patrimony to its legitimate use.¹

The problem of the church's patrimony had indeed been a continuing preoccupation in successive assemblies. With the accession of a godly prince, the assembly in July 1567 had looked forward to the time when "ane perfyte ordour may be tane and establischt toward the full distribution of the patrimonie of the kirk according to God's word", and the "nobles, barrons, and uthers of the kirk" present in that assembly had promised, for their part, at the next "lawfull Parliament" to restore the church's patrimony "according to the booke of God, and the ordour and practise of the primitive kirk".² In October 1572, in a series of articles to the regent, the "ministers, barons and commissioners of kirks" had continued to complain of the "wrangous using of the patrimonie of the Kirk",³ while, by April 1576, the general assembly itself had declared that, since the patrimony of the church "is ex iure divino", it might thus proceed against the "unjust possessors of the said Patrimony of the Kirk".⁴

Indeed, just as the first Book of Discipline had condemned those who "alienat the patrimonye and commoun-gude of the Churche",⁵

1. N.L.S. Wodrow MSS. folio vol. xlii. fol. 11r.-11v.

2. B.U.K. i. 107-8; Calderwood, ii. 379-80.

3. B.U.K. i. 253; Calderwood, iii. 228.

4. B.U.K. i. 360; Calderwood, iii. 367.

5. Knox, Works, ii. 223; History, ii. 303.

so too did the second Book of Discipline condemn any secularisation of church property and revenues as "ane detestable sacralege befoir God".¹ Again, as Knox and his colleagues had expressed the hope in the former document that, through the recovery of its patrimony, "the Church, in the end, may recover hir libertie and fredome",² so also did Melville and his associates in the latter document speak of "the patrimonie of the Kirk restorit to the formare and auld libertie";³ and, equally, while both Books of Discipline envisaged the collection of all ecclesiastical revenues, and their more equitable distribution, by deacons⁴ appointed for the purpose on the model of the apostolic and primitive church, nevertheless both "Knoxians" and "Melvillians" were prepared to accept and utilise the lesser benefices, while advocating, at the same time, the subversion of the bishoprics and greater benefices, which incidentally resulted in a corresponding diminution in importance of the role of the deacon, whose activities in practice remained confined to the collection and disbursing of alms for the poor. All in all, however, in this field, as in so many others, Melville's immediate contribution lay in guiding the church back to the substance of its earlier thought and vision.

But besides such prevalent abuses and the remedies which Melville provided, there was fifthly, and finally, a further and perhaps more fundamental link between earlier thought and practice,

1. B.U.K. ii. 502; Calderwood, iii. 544.

2. Knox, Works, ii. 223; History, ii. 304.

3. B.U.K. ii. 510; Calderwood, iii. 553.

4. Knox, Works, ii. 222-3, 236; History, ii. 303, 311; B.U.K. ii. 501-2; Calderwood, iii. 543-4.

and the development of the Melvillian movement which is to be found in the amorphous radicalism which was already in existence before Melville's return but which by 1574 lacked leadership and direction. It thus fell to Melville to supply the leadership and give it direction.

While its substance remains partly obscure, the outlines of a radical approach to ecclesiastical politics are nevertheless quite clear. Its ethos can certainly be detected, for example, in the church's steadfast opposition in March 1573/4 to Morton's attempts to extend the royal supremacy over the church as well as the state, and in the resentment and hostility incurred by his conservative policy of conformity with England.¹ Nor were some within the church at this point altogether forgetful of "the policies of the best reformed kirks",² itself a telling reflection of the mood and disposition of at least one section of the church.

On another level, the radicalism of the synod of Lothian, in particular, is revealed in its renewed stress on the exercise as something akin to an administrative unit and the precursor of the later presbytery. Critical of the undemocratic manner in which important decisions affecting the church had been taken without full consultation, the synod in March 1572/3 had successfully petitioned the assembly that subjects to be raised for discussion in the assembly which had occurred in the interval between the meeting of the synod and the next general assembly might be noted and raised in the exercise. This it was hoped, would provide each

1. See above, 114-5, 153-162, 198-9.

2. Cf. B.U.K. i. 246; Calderwood, iii. 222.

member of the exercise with an opportunity to express his opinion and cast his vote so that "weighty matters of the Kirk be not concluded be a few, as often times they are without knowlege or consent of the brethren"; and it was also envisaged that the acts of assembly would be distributed and made available to each exercise.¹

Indeed, it would not be too much to say that many of the elements associated with Melvillian thought had already been present either explicitly or implicitly before Melville's return. Not only had the church, prior to Melville's return, rejected the supremacy of the crown over the church, which in itself proved fatal to the concept of a godly prince ruling both church and state alike, but the continued emphasis on the separation, in a Calvinist sense, of the two jurisdictions amounted to nothing other than an expression of what later came to be called the two kingdoms theory. Again, continuing discussion and speculation on the church's polity, along with the regent's decision in 1576 that the church should frame another form of church government if it would no longer stand by the Leith agreement,² enabled Melville at what was a crucial juncture to participate in the ensuing discussions and so help guide the church back to the earlier ideals of the 1560's.

At the same time, it is hard to see how the existence of commissioners appointed for a time could have violated any of those constitutional principles which later came to be termed presbyterian; while Adamson's reported identification of the true bishop with the

1. B.U.K. i. 265; Calderwood, iii. 279.

2. Spottiswoode, ii. 202.

minister of the word and sacraments, together with Pitscottie's description of the widespread contempt for the new "counterfett bischopis"¹ may suggest that there was little particularly novel in Melville's own equation of bishop and minister, which the general assembly, after all, had unanimously accepted after careful consideration.

The alterations which Melville's programme entailed were of course much less drastic than might be supposed. For the most part, the changes envisaged in the second Book of Discipline - a document which was largely representative of ecclesiastical opinion - were changes in form rather than of principle.² It is indeed hard to find any contemporary evidence to support Spottiswoode's assertion attributing the "innovations" which "broke forth" in 1575 to Melville's arrival in Scotland,³ for not only do his comments obscure the very large measure of unanimity which existed in matters of polity between the church of Knox and that of Melville, and exaggerate differences of which contemporaries were scarcely conscious, but his statement is itself a retrospective inference written by an archbishop and an obviously hostile commentator in the seventeenth century - he was a mere ten years old in 1575 - when ecclesiastical opinion had become hardened, embittered and divided into two opposing and apparently irreconcilable parties within the church. Indeed, Spottiswoode, who seems

1. Lindesay of Pitscottie, The Historie and Cronicles of Scotland, 281-4.

2. See below, 226-354 passim.

3. Spottiswoode, ii. 200.

to have tried so hard to emphasise the differences, did himself inadvertently acknowledge the similarity between the views of Knox and Melville, for he characterised the former as one "studying by all means to conform the government of the church with that which he had seen in Geneva",¹ and in almost identical language accused and portrayed the latter as "labouring with a burning desire to bring into this Church the presbyterial discipline of Geneva".²

It is moreover certainly significant that an impartial and contemporary report by English diplomatic intelligence on the proceedings of the general assembly of August 1575 in which the issue of episcopacy was debated should fail to find anything particularly novel, or outstanding, or even worthy of mention in the debate, for the despatch altogether omitted any reference to such a discussion in its description of the assembly's proceedings,³ which perhaps comes closer to placing the matter in its proper perspective.

Somewhat later, apparently in 1578, the regent Morton, who saw the disintegration and collapse of his policy of conformity with England - a policy which as already indicated⁴ was reported to have met opposition before Melville's ascendancy - accused the ministers of "conceats and oversie dreames, imitation of Genev discipline and lawes";⁵ but here again the substance of his complaint

1. Keith, History, iii. 15, quoting from Spottiswoode's MS. History.

2. Spottiswoode, ii. 200.

3. C.S.P. Scot. v. nos. 187-188, pp. 180-1.

4. See above, 114-5, 153-162, 198-9.

5. Melville, Diary, 68, cf. 54.

was about the continued preference among ministers for the Genevan ideal and the model of reformed churches abroad - a preference which can indeed be traced back to 1560 and not merely to 1575.

In the end, Melville's true strength and success lay in his ability to mobilise opinion within the church and within the assembly, and in drawing together and in reinforcing or uniting those various themes or strands of thought already apparent within the church before his arrival. But, while Melville's additional suggestions were assimilated without any dislocation to the church's essential structure, the Melvillian programme, at the same time, which was to find its expression in the second Book of Discipline and reach its consummation in the presbyterian constitution of 1592, had still, in the interval, to meet and to experience the royal and archepiscopal challenge in the persons of James VI and Patrick Adamson, archbishop of St. Andrews.

Chapter 7

THE SECOND BOOK OF DISCIPLINE: An Interpretation

"I do not believe that the principles of the two Books are so widely different as they have sometimes been represented to be."

(A.F. Mitchell, The Scottish Reformation, 216).

I. The Drafting of the Book*

The search for a "perfect polity" which had commenced before, and continued after, Melville's return found its fulfilment, so far as the church was concerned, in 1578 in a document which contemporaries described as "the Book of Discipline or Policy of the Kirk"¹ and which posterity has ever since known as the second Book of Discipline. At least as early as March 1574/5, if not earlier, draft articles on the polity as well as the jurisdiction of the church had been drawn up by an assembly committee and presented for approval to the assembly which had predictably appointed a deputation to discuss the issue with the regent and government.² Meanwhile, in the same month, a convention of estates had nominated a commission of sixteen officials headed by the lord chancellor and including three superintendents, two bishops, two ministers and the principal of King's College, Aberdeen to convene "and put in forme the ecclesiasticall policie and ordour of the governing of the kirk".³ It was apparently as a member of the commission set up by the estates to enquire into the church's polity that lord Glamis took the step, obviously recognising the sway which

1. B.U.K. ii. 405.

2. Ibid. i. 325-6; Calderwood, iii. 343-4.

3. A.P.S. iii. 89.

* For a note on the various versions of the Book see below, 354.

Geneva had in Scotland, of writing to Theodore Beza for guidance and advice on the framing of a suitable and durable ecclesiastical constitution. In his letter, written probably in the spring of 1576,¹ Glamis explained how at that time "the king's tutor and regent, with the whole nobility and the estates of the realm (as they are styled) are giving their careful attention to the matter".² Glamis himself was already familiar with Beza's works, which he had professedly "read with the utmost pleasure and admiration"; and in his letter, too, he recalled how he had "made careful enquiry about the condition" of the Genevan churches from Claude Colladon, during the latter's visit to Scotland from Geneva.³ Apart from the discussions with Glamis, Colladon's visit doubtless provided others, too, with the opportunity of reviewing afresh the model and example of the reformed churches overseas; and the close contact between Scotland and Geneva is further attested by the presence in Scotland of David Colladon who, after a period of study in Scotland, had returned to Geneva in 1575 with a letter from king James to the city of Geneva wherein he was later to become professor of law.⁴ Whether or not the advice from Geneva proved acceptable to Glamis remains conjectural, but what is significant is that the timely appearance of Beza's letter, together with a discussion of its contents, did according to James Melville do "mikle guid".⁵

1. Melville, Diary, 55.

2. S.H.S. Miscellany, viii. 101.

3. Ibid. 100.

4. Charles Borgeaud, L'Academie de Calvin 1559-1789, 310; cf. J.K. Cameron, Letters of John Johnston and Robert Howie, 107.

5. Melville, Diary, 55.

Concurrently, but quite irrespective of any government interest in, or action on behalf of, the church's constitution, the general assembly itself had set about the task of producing an independent report of its own. Indeed, it was precisely at this point, early in 1576, that the regent Morton is said to have required the assembly if it would not "stand to the policy agreed unto at Leith" that it should "settle upon some form of government at which they would abide".¹ This, in turn, had the effect, according to Spottiswoode, of allowing the assembly to take "advantage of this proposition" and so "with all diligence set down a constant form of church-policy".² Accordingly, in April 1576, the assembly charged a number of commissioners from Aberdeen, Angus and the Mearns, Fife, the Lothians and the west of Scotland with the task of "making an overture of the policie and jurisdiction of the Kirk, and uttering the plain and simple meaning of the Assemblie therein".³ Here were the firm beginnings of the first drafting of the second Book of Discipline.

Melville, to be sure, was certainly one of the members appointed in the west - as principal of Glasgow university it would have been surprising had he not been - but so too was James Boyd, archbishop of Glasgow; and whatever his influence which may have been considerable, Melville himself was clearly only one among many. Moreover, the very composition of the commission - which consisted of some nineteen named delegates together with a number of unspecified representatives mentioned simply as the "**principall** masters" of St. Andrews university⁴ -

1. Spottiswoode, History, ii. 202.

2. Ibid.

3. B.U.K. i. 362; Calderwood, iii. 362-3.

4. Ibid.

- has attracted all too little attention, with the result that errors of interpretation have abounded.

Far from consisting of a hard core of Melville's followers (only the subsequent careers of such members as James Lawson, Robert Pont and possibly Alexander Arbuthnot could entitle them to be called that), the commission had as its representatives such old hands as the pre-eminently respectable Erskine of Dun, his colleague north of the Tay, William Christieson, whose earlier affiliations had been with Scandinavia,¹ the moderate John Row, minister of Perth, David Lindsay, himself a Geneva man who later became a bishop, and John Winram, whose previous record had been that of a decidedly conservative thinker, together with newer recruits, whose ranks included, in addition to the archbishop of Glasgow, another, David Cunningham, who was soon to become bishop of Aberdeen. Furthermore, of the nineteen specified commissioners, of whom two were kirk lawyers, at least eight of the remaining had been present as ministers at, or had been selected ministers and teachers by, the first regular general assembly in December 1560; and there were others, too, like George and Andrew Hay, John Craig and John Duncanson, all of whom had played a prominent part in ecclesiastical administration in some of the earliest general assemblies. In other words, the overwhelming bulk of the membership of this commission were men whose careers and whose formative experience had lain in those years which preceded the rise of Melvillianism. They were sober, level-headed representatives of the first

1. Cf. Thorkild Lyby Christensen, "Scots in Denmark in the sixteenth century", S.H.R. xlix, 2. (Oct. 1970), 138-40.

generation of reformers, men of no known doctrinaire bias, who had lived through the challenging years of the reformation and who had taken a leading part in organising the church reformed. And it was precisely these same men who were now engaged in 1576 in serious discussions on the church's future polity, and whose conclusions were shortly to be followed with the final drafting and production of the second Book of Discipline itself.

In geographical terms, too, representation on the commission was far from inequitable. To be true, there was little representation from the far north where attendance at assemblies in the south was wont to be erratic.¹ But the participation of northern ministers was by no means ignored, for one of the members of the commission was George Hay, currently commissioner of Caithness with added responsibilities for Moray,² and sometime commissioner of Aberdeen;³ while the Aberdeen area itself had as its representatives John Craig, minister in Aberdeen, and Alexander Arbuthnot, minister and principal of King's College, Aberdeen. All in all, seven members came from north of the Tay, two members together with the "principall masters" of St. Andrews university from Perth and Fife, three ministers (Pont, Lawson and Lindsay) and two advocates from the Lothians, and five members from the west, consisting of the archbishop, Andrew Hay and David Cunningham, both currently commissioners of Clydesdale,

1. In July 1580, the reason given by the commissioner of Ross for not choosing commissioners to the assembly was on account of "the slacknes of the gentlemen of the Country, sickness and occupation of others, and proverty of them that bear charge of the ministrie"; B.U.K. ii. 450.

2. Ibid. i. 358.

3. Ibid. 186.

Renfrew and Lennox,¹ together with Melville, the principal of Glasgow university, and James Greig, minister of Colmonell in Carrick.

By October 1576, the members of the commission "to consult upon the matter of the Policie of the Kirk" had presented "their judgment contained formalie in writt to this Assemblie". A committee of eleven (composed of Glamis, the lord chancellor, the laird of Lundie, Andrew and George Hay, Melville, Lawson, Durie, Pont, Row, James Wilkie, rector of St. Andrews university, and Clement Little, the advocate) was then formed to discuss and review the draft articles, and to give their advice on the material presented to the assembly before its dissolution.² At the same time, some forty two questions relating to the church's constitution were handed in on behalf of the regent for the assembly's determination. In a sense, the move represented an attempt by Morton to gauge the assembly's reaction and to test out its weaknesses, but it also underlined the very wide scope of subjects currently under discussion, and it might not be too much to suggest that the regent's queries themselves reflected in some measure the proceedings of the assembly's commission which had met earlier that year. Be this as it may, what is certain is that the more serious of the questions posed by the regent in October were definitely dealt with in the final version of the Book in 1578. Ranging over the whole field of

1. Ibid. 355, 359.

2. Ibid. 365; Calderwood, iii. 374.

ecclesiastical politics, Morton's articles included such topics as the election of elders and deacons for life or otherwise, the problem of oversight and whether the office of overseer should be for a term or for life and whether it was decidedly monarchical, exercised on a purely individual capacity, or whether it was constitutional being limited and subject to the advice of assessors, the extent of congregational and provincial jurisdiction, the nature and composition of the general assembly itself, the frequency of its meetings, its right to convene, and those eligible to vote therein, together with the whole question of the church's patrimony and the problem of ecclesiastical representation in parliament and privy council.¹

For replying to the regent's articles, and for "expedition of the matter of the Policie", the assembly delegated its responsibilities to yet another committee² with instructions to report their conclusions to the next assembly; and of the seventeen members of this committee, it may be remarked, those known later to be staunch Melvillians were again in a decided minority.

Of the committee members, Erskine, Craig, Christieson, Duncanson, Row, George Hay and David Ferguson all represent the first generation of reformers. David Lindsay, another first reformer, was more or less unaligned, a strictly non-party man, not given to extremes of temperature; Andrew Hay came to be more closely identified with the presbyterian movement; but David Cunningham, on the other hand, was probably less accommodating; and the sympathies at this point of Robert Hamilton, James Greig and John Robertson,

1. B.U.K. i. 368-372; Calderwood, iii. 389-93.

2. B.U.K. i. 373-4; Calderwood, iii. 374-5.

three lesser known men, are harder to ascertain. Of the remainder, only Andrew and James Melville - if the latter was indeed the diarist and not the minister of Crail - together with Robert Pont can be said to occupy an unequivocally "Melvillian" position - in so far as it can be said that they, more than any of the others in the group, were determined over the years to resist all pressure to compromise their principles and accommodate themselves to the doctrine of political expediency.

What conclusions the committee reached on the "heids of the Policie" remain undisclosed. The material collected must however have been considerable, and nearing completion, for in the next assembly of April 1577 exception was taken to none of the articles discussed save "thrie heids" on the diaconate, the right of patronage, and the question of divorce, which were "callit in doubt be certain" and referred for further disputation, while "as to the rest, nothing was thocht to the contrair, nor opponit".¹ The procedure adopted by the assembly to ensure that the material presented was properly digested and thoroughly discussed was for every section, each assigned to an individual, to be read aloud before the assembly and either approved or remitted at the assembly's discretion. In the surviving register of the assembly, brief mention is made of the various sections written or revised by such committee members as Row, Lawson, Erskine, Andrew Hay, Ferguson, Pont, Lindsay and Craig.² Oddly enough, Melville's own name is omitted from the official record, but he is included amongst the others by Calderwood, who indicates

1. B.U.K. i. 389; Calderwood, iii. 382.

2. B.U.K. i. 384; cf. Peterkin's 1 vol. edn. 163.

how "nothing was alledged against the heeds committed to Mr. Andrew Melvill, Mr. Robert Pont, Mr. David Lindsey".¹ This tantalising glimpse of the assembly's deliberations does however remain quite insufficient to identify those responsible for writing each of the individual sections or chapters, presented to the assembly, which went to make up the second Book of Discipline.

The work, thereafter, was placed before a select committee for scrutiny, and those sections which the assembly felt were too lengthy and worthy of contraction were probably also condensed by this committee, which had as its members James Lawson, Andrew Melville, John Craig and George Hay² - men who had all taken part, though on various sides, in the debate on episcopacy in August 1575.³ Eventually, in a later session of the same assembly, the select committee's report on the second Book of Discipline, as it had taken shape, was discussed by the assembly, as a whole, which then proceeded to endorse the contents and conclusions reached, save for three sections remitted for further discussion.⁴ Because of the inevitably short duration of assembly meetings, it was resolved, since "the matter of the Policie of the Kirk, collectit be the brethren, is not yet in sick perfyt forme as is requisite", that Pont and Lawson should be appointed to inspect the articles once more, and iron out any weaknesses or inconsistencies in the text, thus "avoyding of superfluitie and obscuritie, the substantialls

1. Calderwood, iii. 381.

2. B.U.K. i. 385; Calderwood, iii. 381.

3. B.U.K. i. 340; Calderwood, iii. 355.

4. B.U.K. i. 389; Calderwood, iii. 381-2.

beand keipit". At the same time, it was deemed necessary to elect a further watchdog committee (composed of Erskine, Arbuthnot, Melville, Craig, Andrew and George Hay, Row, Lindsay and Duncanson) to supervise the work entrusted to Pont and Lawson. Care was also taken to ensure that there would be free access to the committee for any with points to raise or criticisms to make; and the commissioners of provinces were also instructed to inform the barons that the "warke is in hand" and to request "thair presence and concurrence therto".¹

In the next assembly of October 1577, further attention was devoted to the second Book of Discipline which the committee of the previous assembly had presented for critical examination.² Despite pressing invitations to attend, the regent, as part of his policy of ignoring assembly proceedings, absented himself from the meeting; but on learning how "the Kirk is labourand in the Policie", Morton did at least encourage the assembly to "gang fordwart earnestlie and put the same to end"³ - a remark which seemed to indicate some measure of tacit approval and support in government circles for the project in hand.

Finally, in the thirteenth session of the assembly, "the heids of the Policie and Jurisdiction of the Kirk beand haillilie red in the audience of the haill Assemblie", it was decided to present the regent with a copy of the second Book of Discipline, "saifand the head, de Diaconatu, quhilk is ordained to be givin in with a note that

1. B.U.K. i. 391; Calderwood, iii. 382.

2. B.U.K. i. 393ff.; Calderwood, iii. 385ff.

3. B.U.K. i. 394; Calderwood, iii. 385-6.

the same is agreeit be the most part of the Assemblie, without prejudice of farther reasoning".¹ Typical also of the meticulous attention to detail and of the painstaking precision with which the Book was drafted was the assembly's commission to Lawson, Pont and Lindsay, along with the clerk of the assembly, to "sett in good ordour" the copy to be presented to the regent, and ensure that it corresponded in every detail "to the originall". Not content with this, the assembly also required the copy to be checked and inspected by Duncanson, Ferguson, Brand and James Carmichael, together with Erskine of Dun if present, and "beand found be them according to the originall", the work was finally to be handed to the regent by Lawson, Pont and Lindsay. Anticipating the debates and discussions which would inevitably follow, the assembly, before dissolving, decided for good measure to nominate Patrick Adamson (a somewhat curious choice), Erskine, Craig, Row, Arbuthnot, Melville, Lawson, Pont, Lindsay, Duncanson and Andrew and George Hay to be ready to convene when instructed to do so by the regent.²

After all the intensive, possibly excessive, committee work which had preceded it, the second Book of Discipline had at last arrived. The "work of establisching a perfyte ordour and policie in the Kirk"³ had finally emerged for appraisal by a wider public.⁴

That the authorship of the second Book of Discipline should be ascribed solely, or even principally, to Melville himself would

1. B.U.K. i. 397-8; Calderwood, iii. 388.

2. B.U.K. i. 398; Calderwood, iii. 388.

3. B.U.K. i. 390; Calderwood, iii. 384.

4. Cf. N.L.S. Adv. MS. 29.2.8. (Balcarres Papers, vol. 8), fos. 128r.-129v. (Criticisms of the Second Book of Discipline, circa. 1585).

manifestly not be supported by the evidence available, and nowhere, would it seem, does James Melville, unlike most later historians, assign to Melville an excessively greater role in its composition than that exercised by the numerous other participants. The very considerable participation of the first generation of reformers in a document which has gained the reputation, not undeservedly, of being a substantially presbyterian work, raises the important question of whether the first reformers were not averse to presbyterianism after all. This, in turn, prompts one to ask whether there was really anything in the Book completely irreconcilable with the priorities and ideals of earlier reformers. On this theme, historians are not of one mind and, as a consequence, two sharply dividing and contrasting views exist. There is, on the one hand, a strand of thought which would assert that the principles outlined in the Book represent nothing more than the logical extension or culmination of earlier ideals, and there is, on the other hand, the viewpoint which would suggest that Melville's principles were "directly at variance with those of the reformers"¹ and that the views of Melville and the Book were largely innovating and contrary to the whole character of the church's polity. Confronted with this diversity of interpretations, some examination is obviously necessary to discover whether Melville exercised a profound influence of his own, persuading the earlier reformers to turn their backs on all that they had stood for, and become converted to his novel theories. In short, one is bound to ask whether Melville won over to his standpoint the men of 1560 or whether there was in reality no fundamental divergence of viewpoint. After

1. G. Donaldson, Scotland: Church and Nation through sixteen centuries, 72.

surveying the evidence, one historian has stated:-¹

"the truth is, of course, that the differences between the reformation polity and Melville's programme were far too great to escape the notice of contemporaries, however much later controversialists have tried to efface them".

But, by way of an alternative interpretation, another scholar has concluded that "there is no reason to suppose that the system of Andrew Melville was other than the natural development and full growth of that of John Knox".² These statements, it is clear, raise fundamental problems in interpretation of the utmost significance.

Leaving aside, for the moment, any discussion of the book's contents (which are more or less indistinguishable from Melville's own views), the very participation of over thirty individuals in collating and compiling the material which went to make up the book, of whom perhaps only seven became prominent within the inner circle of the Melvillians, would seem in itself to rule out any notion that the substance of the book was in any way fundamentally incompatible or in conflict with the thinking of the first generation of reformers. Indeed, the only leading "first-reformer", whose name is not associated with the second book is Spottiswoode, the superintendent and father of the archbishop.

It is hard indeed to escape the conclusion that the majority of reformers, the veterans of 1560, found no difficulty in accepting Melville's theories in so far as these were founded upon, or identical with, the principles enumerated in the second Book of Discipline, and one is therefore disinclined to believe that any radical difference existed between Melville and many of his predecessors. What, therefore, is one to make of Melville's own part in the proceedings?

1. G. Donaldson, The Scottish Reformation, 193.

2. J.H.S. Burleigh, Scottish Journal of Theology, ii. (1949), 295.

It may well be that Melville's participation extended further than the surviving evidence will allow. He was certainly present and took part in most, though not in all, stages of the book's composition and revision. But it must be recalled, at the same time, that even in the regional committee which met in Glasgow in 1576 Melville's influence, even on the evidence presented by his nephew, does not seem to have predominated. In fact, neither Melville nor the archbishop chaired the meeting. Instead, it was David Cunningham, the sub-dean of Glasgow and dean of the faculty of arts in the university, in whose house the committee had assembled, who "moderat the reasoning, gatherit upe the conclusiones, and put all in wrait and ordour to be reported to the Assemblie".¹ If his influence did not prevail within that committee, it is harder still to see how Melville's theories, which have been described as contrary to the whole polity of the Scottish church, could have gained an over-all ascendancy in the other committees dominated, as they were, by the first generation of reformers,² and even less so over the general assembly itself, which can be taken to be largely representative of all shades of opinion in the church. Indeed, it was not until well after the book's completion that Melville was eventually elected moderator of the assembly in April 1578.³

With the evidence which has survived, it is not particularly meaningful to attempt to apportion the relative influence of the various members, over thirty in all, involved in drafting the book.

1. Melville, Diary, 56.

2. B.U.K. i. 362; Calderwood, iii. 363.

3. B.U.K. ii. 403; Calderwood, iii. 398.

A fairer statement perhaps would be that both the first reformers and Melville himself were already in substantial agreement on the line of action to be pursued and the form which the book should take. Indeed, the most plausible explanation for the participation of earlier reformers together with Melville in the book's composition would seem to lie in the postulation that the book in reality represented no more than a statement or re-statement of various well established strands of thought which had for long been in wide circulation - an interpretation which, incidentally, also goes far to explain the apparent paradox of how such a substantially presbyterian document fails to elaborate upon the regional presbytery or give any prominence to the doctrine of the so-called parity of ministers. The book, in short, reflected the spirit of the times. It symbolised the church's matured views at a time when any additional suggestions which may have been put forward by Melville and his associates had already been accepted and assimilated in the assembly's proceedings in 1575 and 1576. And it was of course precisely at this point, immediately prior to the book's production, with the replacement of the recently introduced Leith episcopacy with commissioners, that the church's essential structure had reverted to something more closely akin to earlier reformation practice.

II. Church and State

Consisting of some thirteen chapters in all, the second Book of Discipline begins logically enough by defining what precisely is meant by the church. In more succinct, though possibly less eloquent, language than the Scots Confession of 1560, the church is concisely

described, first as the fellowship of professing Christians in whose ranks, side by side with the godly, exist an unknown number of "hypocritis professing alwayis outwardlie ane trew religioun"; secondly, the church can be conceived, in more exclusive terms, as the godly and elect alone; and, in a third sense, it may sometimes be taken even to refer to the ministry itself, the office-bearers, that is, who exercise spiritual rule therein.¹ Though not explicitly stated, the first two definitions were of course respective descriptions of the church visible and invisible, while the third definition reveals a progressive and unmistakable tendency present among Calvinists to view the visible church not only as a body of professing Christians but equally to see it as an institution, in terms of its ministry and ecclesiastical organisation. Had not, indeed, the first Book of Discipline itself declared in 1560 that without ecclesiastical polity, "thair is no face of ane visible Kirk";² and, again, had not Erskine of Dun in December 1571 spoken indiscriminately of "thair mother the holie kirk" and of "thair mother the holie ministerie" insisting that "quhat is menit be our mother is befoir declarit, to wit the ministere of the holy mystereis quhilk God hes placed amangis us"?³

In all this there was certainly nothing which in a Scottish context could be described as controversial. The whole nature of the definition of the church which the book discloses corresponds closely to Calvin's own study of the subject wherein he had observed

1. B.U.K. ii. 488; Calderwood, iii. 529.

2. Knox, Works, ii. 238; History, ii. 312.

3. Spalding Club Miscellany, iv. 95.

that "the Scriptures speak of the Church in two ways": first, as it is before God, "the Church into which none are admitted but those who by the gift of adoption are sons of God, and by the sanctification of the Spirit true members of Christ", comprehending not only the saints who dwell on earth, but the elect of all ages; and, secondly, the church "as the whole body of mankind scattered throughout the world, who profess to worship one God and Christ", a company in which "there is a very large mixture of hypocrites, who have nothing of Christ but the name and outward appearance".¹

Stemming from the definition of the church lay the further problem of the authority and jurisdiction which God had prescribed for the church. On this question, the book is quite forthright. To begin with, it is recognised that the spiritual jurisdiction and government, granted to the church by God through Christ the Mediator, should be exercised not by the membership at large, but by those members who were "appointit thairto be the Word of God",² in other words, the ministers and office-bearers. Such a restriction recalls the claim that the ministers were "supreme head of the kirk".³ Spiritual government, it is claimed, consists of the potestas ordinis, which is exercised individually, and which, though not stated, comprehends the preaching of the Word and the dispensing of the sacraments, together with the potestas jurisdictionis which is exercised "conjunctlie be mutuall consent of thame that bear the office and charge",⁴ an implicit acknowledgement of the necessity of church courts or elderships for the exercise of ecclesiastical discipline. As Calvin had shown, this

1. Calvin, Institutes, IV. i. 7.

2. B.U.K. ii. 488; Calderwood, iii. 530.

3. See above, 115.

4. B.U.K. ii. 488-9; Calderwood, iii. 530.

power of discipline in the primitive church "did not belong to an individual who could exercise it as he pleased, but belonged to the consistory of elders, which was in the Church what a council is in a city".¹

No less significant is the affirmation that all power ecclesiastical is derived "immediatelië frome God, and the Mediator Christ Jesus" without any earthly intermediary.² The church, in other words, is not regarded as having received its commission, in terms of its jurisdiction, from God through the person of the godly prince, as was claimed in England. Instead, the book, reaffirming earlier Scottish thought on the subject, postulates the existence of two separate and distinct, though interdependent, divinely ordained powers. The church's jurisdiction is deemed both sovereign and autonomous, underlining that Calvinist dichotomy, detected earlier, between minister and magistrate. Sovereignty was seen as something divisible and not indivisible.

The phraseology of the "two kingdoms", it may be observed, is nowhere employed in the book to describe the two separate jurisdictions, save for one oblique reference to the kingdom of Christ,³ but the implication was there, for if Christ were "the onlie spirituall King and Governour of his Kirk"⁴ - a proposition which could not be denied - then it followed that the church in a very real sense is His Kingdom, in which He alone rules "throw his Spirite

1. Calvin, Institutes, IV. xi. 6.

2. B.U.K. ii. 489; Calderwood, iii. 530.

3. B.U.K. ii. 502; Calderwood, iii. 545.

4. B.U.K. ii. 489; Calderwood, iii. 530.

and Woord, be the ministre of men".¹ Any notion of intermediate, earthly headship over the church, either papal or princely, was denounced as "ane tytyle falsie usurpit be Antichrist" which "aucht not to be attribuitit to angell nor to man of quhat estait soever he be, saifing to Christ, the head and onylie monarche in the Kirk".² Accordingly, while kings might thus legitimately be called lords of their subjects "quhom they governe civillie", nevertheless in the spiritual government of the church under Christ, the only Lord and Master, all are but members. Nor does it entitle those who bear office within the church to usurp dominion or be called lords, they being but "onlie ministeris, discipulis, and servandis".³

Such an authoritative statement on the nature of the church and its ministry is of course quite indistinguishable from earlier, if possibly less systematic, observations on the subject. There was certainly no incompatibility between the doctrine of the church as depicted in the book and that revealed in the earlier expositions of either Knox or Erskine of Dun. It also remains true that for a full decade before Melville's arrival the church had not only contended for the absolute sovereignty of the two jurisdictions - a theme which carried with it implications fatal to the development of any theory of a godly prince ruling church and state alike - but had positively and quite explicitly rejected any notion of royal supremacy over the church, several months before Melville's return.⁴

1. B.U.K. ii. 489; Calderwood, iii. 531.

2. Ibid.

3. Ibid.

4. See above, chapter 5, 114-5.

The theory of the church remained precisely the same, namely, that Christ as Mediator rules the church through the preaching of His Word by a ministry, lawfully called and elected both by God and the congregation. The ministers by the very nature of their vocation were the appointed ambassadors and messengers, the instruments of Christ's rule, and, no less, were the expounders and interpreters of the Word. If this be considered a "high" doctrine of the ministry, it was entirely consistent with the views of both Calvin and Knox. The first Book of Discipline had itself described the ministers "promoted to the regiment of the Kirk" as "the servandis and ambassadouris of the Lord Jesus", and had ventured further to maintain that "quhosoevir heareth Christis Ministeris heareth him self, and quhosoevir rejecteth thame, [and] dispyseth thair ministerie and exhortatioun, rejecteth and dispyseth Christ Jesus".¹ Erskine of Dun, it may be added, had ascribed to the ministry if anything an even more exalted and elevated position than that depicted in the second Book of Discipline. For Erskine, the powers of the world were appointed and constituted for the church's support and welfare and, as the "inheritance of the Lord, his proper possessioun and kingdome" to which all were subdued, the church had pre-eminence over all since "in this kirk God regnnes" and "to this kirk God hes geffin his eternall word" together with "the giftis of his Holie Spreit" and "the ministratioun of the hevinlie mistereis". In particular, Erskine had complained of those who "will bost thame selfis to be of the kirk als weill as thai that ar placed in the

1. Knox, Works, ii. 193; History, ii. 286.

ministerie, gifing no place nor prerogatione to thame that beris office in the kirk above the rest of the memberis". To profess with humility membership of the church and reverently esteem the holy ministry "is commendable, bot a proud confessione to be of the kirk in contemptioun, or comparing with thame quhilk beiris spirituall cuir and office thairin, is maist damnabill, and cumis of ane hie presumptione, and schawis disobedience and rebelloun to God and his ordinance". In short, "the office and the minister ar sa jonit togither that the one can nocht be honorit and the uther contemit".¹

All in all, not only were both Books of Discipline in fundamental agreement on this theme but the attitudes of Knox, Erskine and Melville were to all intents quite indistinguishable.

Of its own right, the church indisputably possessed the power of the keys, "quhilk our Maister gaif to his Apostlis and thair trew successouris",² the power, that is, to preach the gospel, administer the sacraments and to bind and loose, while to the temporal arm belonged the power of the sword whereby the evildoer might be forcibly restrained and coerced; but on the crucial theme of the relationship between the two jurisdictions of church and state there was much which required elucidation and elaboration. Given the respective sovereignty of church and state, it was a logical deduction that the exercise of both jurisdictions, distinctly and divinely set apart, could not be united in one and the same person, but this was of course a principle firmly rooted in Scottish reformation thought and practice.

1. Spalding Club Miscellany, iv. 93-98.

2. B.U.K. ii. 503; Calderwood, iii. 546.

Calvin, in particular, had shown "if in this matter we seek the authority of Christ, there can be no doubt that He intended to debar the ministers of His word from civil domination and worldly power" since "He intimates not only that the office of pastor is distinct from the office of prince, but that the things differ so widely that they cannot be united in the same individual".¹

Throughout the 1560's this principle had not only been uppermost in reformers' minds but had been conscientiously adhered to until 1572 when the church, under pressure from the regent to conform to Anglican or pre-reformation procedure, had acquiesced, for a spell at least, in the operation of the short-lived Leith agreement. Though not explicitly stated in the articles of Leith, the new bishops exercised a temporal, as well as a spiritual, jurisdiction which included attending parliament and council; and it was precisely the exercise of this mingled jurisdiction which contemporaries found so objectionable and unacceptable. In this respect, the protestant bishops were less "godly" than the superintendents and commissioners of the 1560's whose role had been purely ecclesiastical.

Underlying the distinctive nature and inherent sovereignty of each jurisdiction, the book illustrated, twice over for good measure, how ministers and other office-bearers within the church were subject in civil affairs to the magistrate and, likewise, how the civil magistrate was responsible and should submit to the church in matters ecclesiastical.² There is certainly little in such a statement to which exception could be taken, and it should be emphasised that

1. Calvin, Institutes, IV. xi. 8.

2. B.U.K. ii. 489-90; Calderwood, iii. 531-2.

there was indeed nothing new in such a proposition, the substance of which can be traced back, for example, to 1562 and 1571 when the assembly insisted that the civil magistrate was subject to the church and liable to excommunication.¹ At the same time, there was of course no attempt to provide for the ministry, unlike their Roman catholic predecessors, any immunity from the normal processes of law, either civil or ecclesiastical; and the assembly itself, in 1570, had recognised that a minister, if guilty of a secular offence, was liable to punishment by the temporal power.² Nothing concrete, however, was said of the limits of each jurisdiction, nor of which matters were strictly civil and which ecclesiastical. Here was an ambiguity which remained totally unresolved. Even by 1596, the ministers were still painfully aware of the need for the assembly to define "the limits of the two jurisdictiones, civill and spirituall".³ One instance - and there were others - of the respective competence and conflicting claims of the civil and ecclesiastical jurisdictions occurred in October 1573 - well before Andrew Melville had made his appearance - when the privy council had not only overruled the action of David Ferguson, minister of Dunfermline, who, on the archbishop's instructions, had required the master of Dunfermline grammar school, on pain of excommunication, to demit his office but had also discharged the church from proceeding to excommunicate the schoolmaster for his refusal. Since the schoolmaster had given both his confession of faith and his profession of the reformed religion, it

1. B.U.K. i. 16, 195; Calderwood, ii. 186; iii. 37.

2. B.U.K. i. 179; Calderwood, iii. 5.

3. Calderwood, v. 492.

was argued that he had satisfied the terms of the statute of January 1572/3 and that deprivation could not be pronounced against him but only against recusants. This being so, the action, it was alleged, was merely "civill and prophane" and it therefore followed that "the said Bischope and Minister ar na judgeis competent thairto; and na law yit establishit or approvit that gevis thame sic power". Not only so, it was also contended that such a sentence of excommunication could easily be "extendit to all uther maner of actionis of quhatsumevir qualitie thay wer; and be that way the ministeris of the Kirk suld mak thame selffis judgeis in all caussis, outhir be direct or indirect meanes, quhilk wer ane grit absurditie".¹

On the niceties of civil and ecclesiastical law raised in specific actions, the second Book of Discipline failed to offer, nor could it reasonably hope to offer, any firm guidance. Instead, the document concentrated in more general terms on the wider theme of the separation of the two fields of activity, emphasising how the minister was primarily concerned with the spiritual aspects of man's nature and how the civil magistrate "handlit only externall thingis and actionis done befoir men", how the minister commanded obedience through the exercise of the "spirituall sword" by means of ecclesiastical discipline, and how the civil magistrate employed the temporal sword to restrain offenders by corporal punishment.² Similarly, just as the minister should refrain from exercising any civil jurisdiction, so too must the magistrate abstain from preaching the Word, dispensing the sacraments or administering church discipline.

1. R.P.C. ii. 288-9.

2. B.U.K. ii. 490; Calderwood, iii. 531.

Nor ought he even to "prescryve any reull whow it shuld be done bot command the ministeris to observe the reull commandit in the Woord".¹ This statement, which reflects some of Calvin's own thinking,² not only recalls some of Knox's forceful pronouncements on the subject,³ but does indeed anticipate Melville's own judgment in 1584 that "it perteaneth not to the prince ather to prescribe religioun to the kirk or discipline to the pastors therof, but by his authoritie to confirme bothe the one and the other, appointed by God, and sincerelie declared out of his Word by the ministrie of his servants".⁴

Precisely who would decide what the Word of God required, should difficulty or ambiguity arise, was left unsaid in the book. It was evident, however, as Melville indicated in 1584, that only the ministers and doctors in the end could supply the answer with any degree of certainty, an implication soon made manifestly clear, for in such a biblically orientated society as that conceived in the second Book of Discipline, it was deemed the responsibility of the ministry to teach the magistrate how to fulfil his duties even in the civil jurisdiction according to the requirements of God's Word.⁵ But this, of course, ought to be read along with Knox's reported sermon in 1561 wherein he, as minister of the Word, had expounded "the duty of all kind of magistrates in a good reformed commonwealth".⁶ Here were all the makings of a theocracy but it was a theocracy

1. Ibid.

2. Calvin, Institutes, IV. xx. 3; see above, 62, 76.

3. See above, chapter 5, 124ff., 133.

4. Calderwood, iv. 165; Melville, Diary, 162.

5. B.U.K. ii. 490; Calderwood, iii. 531.

6. Keith, History, ii. 87-88.

neither peculiar to Melville nor even to Knox. It was perhaps an ideal inherent within Calvinism itself. This theme which the second Book endorses was plainly no new development. The tendency for the church to dominate the state - or in the words of the privy council minute of 1573 for the ministers to become "judgeis in all caussis, outhir be direct or indirect meanes"¹ - was certainly apparent to contemporaries well before the appearance of either Melville or the second Book of Discipline.

Yet, while remaining separate and distinct, the roles of minister and magistrate were nevertheless complementary. Each owed the other assistance and co-operation within their respective spheres. Ministers, providing they did not neglect their pastoral responsibilities or meddle in civil affairs, ought to "assist thair princes in all thingis agreeable to the Woord" - which may account for Robert Bruce's activities in 1589 during the king's absence in Scandinavia² - and the magistrate in turn was likewise required not only to "assist, mantene, and fortifie the jurisdiction of the Kirk" but to "minister justice and puneshe vyce, and to mantene the libertie and quietnes of the Kirk within thair boundis".³ In a further section devoted entirely to the office of the godly magistrate, it was again emphasised how it "cheiflie" pertained to Christian princes and magistrates "to advance the Kingdome of Jesus Christ", for, as "nuessaris of the Kirk", they had a duty to ensure that the church was "mantened, fosterit, uphouldin and defendit aganis all that wald

1. R.P.C. ii. 289.

2. Cf. Calderwood, v. 67; Melville, Diary, 277.

3. B.U.K. ii. 490; Calderwood, iii. 531-2.

procure the hurte thairof".¹ All this phraseology was commonplace and recalls both the words of the Prayer for the Church Militant in the English Prayer Book and those of the Scots Confession of 1560.²

The prince, it was acknowledged, had a right to intervene and by his own authority to reform a church corrupted. But it was carefully pointed out that when "sum godlie kingis in Judea" had taken this step, they had done so only "be direction of Prophets", and similarly when godly emperors and kings had reformed the church in times past, this they had done only "in the licht of the New Testament". In a church reformed and possessing a lawfully constituted ministry, princes and magistrates must proceed more warily and be willing to hear God's will revealed through His messengers and ambassadors, the ministry of the Word, and so "reverence the Majestie of the Sone of God speiking be thame".³ Here, and not for the last time, is the recurrent theme of the ministers as the official interpreters of scripture; and it is indeed important "to note the tendency which so early entered into the Reformed practice of practically abandoning the original emphasis on the priesthood of believers in the matter of exposition of scripture and insisting upon educated ministers alone undertaking this work".⁴ All might be priests and all might read the Bible, but all were not prophets nor expounders of the Word. As the second Helvetic Confession had

1. B.U.K. ii. 502-3; Calderwood, iii. 545.

2. A.P.S. ii. 534; Knox, Works, ii. 118; History, ii. 271.

3. B.U.K. ii. 503-4; Calderwood, iii. 545-6.

4. G.D. Henderson, The Burning Bush, 45.

observed, "there is a very great difference between the offices of priests and of ministers".¹

At the same time, as defender of the church reformed, the prince was expected to safeguard the church, to maintain its ministry, to uphold its discipline and protect its patrimony, and even to legislate on its behalf, care being taken never to usurp "ony thing that pertenis not to the civile sworde, bot belangis to the offices that are mere ecclesiasticall".² In view of the by no means negligible powers attributed to the prince and magistrate, it would be inaccurate to say that the book denied to the prince any authority in the church. What it did deny was supremacy, and such ecclesiastical authority as was assigned to the prince - powers which on paper were both wide and comprehensive - was at the same time carefully circumscribed, being always subject to the ministers' interpretation of scripture.

If it be felt that the powers ascribed to the prince in the Scots Confession of 1560 were in any way curtailed in the second Book of Discipline, contemporaries appear to have thought otherwise, and it is without doubt instructive to remember that the chapter on the civil magistrate was one of the few sections of the book which passed unscathed the scrutiny of the conference, called by the king, at Stirling castle in December 1578. The hypothesis that the church's political doctrine was altered by Melville and the second Book of Discipline simply does not explain the indisputable fact that

1. P. Schaff, Creeds of the Evangelical Protestant Churches, iii. 281; Owen Jones, The Church of the Living God: also the Swiss and Belgian Confessions and Expositions of the Faith, 151-2.

2. B.U.K. ii. 503; Calderwood, iii. 545-6.

the conference which was critical of much in the book should nevertheless find the chapter on the civil magistrate so pre-eminently acceptable, for its verdict was that "the whole chapter is thought good".¹ Once more, it would seem that in elaborating upon the functions of the civil magistrate the second Book of Discipline provided little other than a succinct summary of earlier thought.

Turning to the specific question of the church's government, the co-authors of the book began by stating the apparently axiomatic proposition that just as "in the civile policie, the haill commoune wealth consisteth in thame that ar governouris or magistrattis, and thame that ar governit or subjectis", so too in the government of the church are there "rewlaris" who in one sense are placed above the rest of the members, for it is only through the inspiration of the Holy Spirit that the preaching of the Word is made effective. Thus, by using "the ministrie of men, as ane maist necessarie myddis for this purpose", Christ Himself through the preaching of His Word can be said to govern the church's life and thought. To the minister is revealed enlightenment and instruction, but the church remains governed by Christ "quha is the onlie King, Hie Preist, and Head thairof".² In precisely the same way, Erskine had earlier demonstrated in December 1571 how "in the civile policie we se greit difference betuix men, though all be membris of a commone wealth, be reasone of offices resavit, be the quhilk offices men hes authoritie, power, and honour above utheris; and sa is it in the kirk of God, for it is nocht onlie requerit the evangell of Christ to be haid

1. Calderwood, iii. 439; Spottiswoode, ii. 247.

2. B.U.K. ii. 490-1; Calderwood, iii. 532.

in estimatioun, bot also the ministeris thairof",¹ who by virtue of their vocation "beris office in the kirk above the rest of the memberis".² The similarity of the two statements is thus most striking, and they may conceivably indicate Erskine's own involvement in composing the second chapter of the book. At the same time, however, it remains true that this strand of thought, the dichotomy implicit in the sovereignty of the two jurisdictions, was widely accepted by the first reformers, so that the statement in the book may legitimately have been written by almost any of the participants. And just as the book spoke of the nature of the ecclesiastical jurisdiction and the ministry "to quhom the administratioun thairof is committit",³ so too, it may be recalled, had Henry Balnaves in almost identical terms, some thirty years earlier, distinguished between the prince's jurisdiction consisting of the "generall administration in the common weale" and that which belonged to "the office of the administration of the Word of God, under whom we comprehend all power ecclesiasticall".⁴

John Knox himself, in 1558, had illustrated how "God hath put and ordened distinction and difference betwixt the King and subjects, betwixt the Rulers and commune people in the regiment and administration of Civile policies",⁵ and while he said nothing, at this point, of the church's government, speaking only of how before God all were

1. Spalding Club Miscellany, iv. 95-6.

2. Ibid. 98.

3. B.U.K. ii. 490; Calderwood, iii. 532.

4. Knox, Works, iii. 526.

5. Ibid. iv. 527 (*Italics mine*).

equal, nonetheless by implication it was clear that Knox regarded the prince's rule as supreme only within the temporal jurisdiction. Elsewhere, he had disclosed how princes were no more than members of the church,¹ and how, in matters ecclesiastical, the ministry commanded respect over others precisely because it was the ministry of the Word of God. Christ's ministers, whatever their infirmities as men, were God's special messengers, since "his eternal Worde, which he putteth in their mouthes, and whereof they are made imbassadors, is of suche treuth, stabilitie and assurance" that God can be said to speak through the ministry of men.² All in all, given these premises, it is by no means easy to see how Knox could possibly have disagreed with the conclusions reached by the compilers of the second Book, many of whom were his colleagues, namely that the means through which the church was governed was of its nature different from that employed in ruling the state.

The substance of the church's polity over which the office-bearers presided was summarily described as consisting of doctrine, discipline and distribution - all of which had been recognised in the first Book - and from these three attributes there arose "ane threfauld sort of officiaris in the Kirk", ministers or preachers, elders or governors, and deacons or distributors, all of whom may legitimately be called "Ministeris of the Kirk"³ - a phrase to which no especial importance need be attached.⁴ Curiously enough, nothing

1. Ibid. v. 519-20.

2. Ibid. v. 486.

3. B.U.K. ii. 491; Calderwood, iii. 532.

4. See below, 287.

was said, at this stage, of the office of doctor or teacher, as distinct from minister or preacher, but in adducing scriptural validity for this threefold division of functions, the authors of the book recalled how in the New Testament mention was made of the ministry of apostles, prophets, evangelists, pastors and doctors; and following Calvin's interpretation of Ephesians IV. 11,¹ regarding the offices of apostle, prophet and evangelist as "not perpetuall" having "now ceassit in the Kirk of God, except quhen he pleased extraordinarlie, for ane tyme, to steir up sum of thame agane" the producers of the second Book had concluded that only the two remaining offices of pastor, minister or bishop; and that of doctor or teacher were ordinary and perpetual functions "in administratioun of the Woord".² It was at this point that the office of doctor abruptly made its appearance, so that instead of a threefold division there turned out to be in fact a fourfold order - the four classic Calvinist offices - of minister, doctor, elder and deacon. All other offices, which were not of these four sorts, were judged unscriptural and therefore rejected.

III. Vocation and Ordination

On the procedure for admitting candidates to their respective offices, the third chapter of the book began by strongly emphasising the concept of vocation or divine calling. The idea itself was deeply rooted in renaissance and reformation thought and was by no

1. Calvin, Institutes, IV. i. 5; IV. iii. 4; Commentaries on the Epistles of Paul to the Galatians and Ephesians, 259-63.

2. B.U.K. ii. 491; Calderwood, iii. 533.

means confined to a calling to the ministry. Each individual as a member of society had a variety of functions to perform to which he had been called by God and through which he could serve both his Creator and his community. In Scotland, Henry Balnaves had described how there existed a "generall vocation by the which we ar called by Christ and his Word to a Christian religion, through the which wee are made one body and one spirite; even as we are called in one hope of our vocation".¹ In God's eternal kingdom, there was no distinction of persons since all are equal before God but in this world as it existed an ordered and hierarchical society was the accepted pattern in which each man possessed a special vocation: each person had his rank and so must serve in his "owne rowme and place". Balnaves had therefore divided "the estate of man" into the "four offices, dignities or special vocations" of prince, minister, parent or householder, and servant or subject.²

The concept of vocation was manifestly not confined to the ecclesiastical ministry but permeated all aspects and functions of a sanctified society. It was, however, with this particular calling to serve in the ministry that the second Book of Discipline, like its predecessor,³ was primarily concerned. All believers might well be priests and possess a divine vocation but, as has been shown, a difference there still remained between the universal priesthood and a professional ministry, for it was from within the corporate priesthood that some were called and, in the words of both Books of

1. Knox, Works, iii. 522.

2. Ibid. 522-542.

3. Ibid. ii. 189; History, ii. 283-4.

Discipline, "raisit up be God" to a public function in the church.¹ The ministry was placed within, and became a function of, the royal priesthood of believers. At the same time, the reformers had taken especial care to avoid any deep-rooted notion of a clergy-laity antithesis. It was certainly no accident that the eucharistic vestments associated with a sacrificing priesthood were laid aside and, with the restoration at the reformation of communion in both kinds, the minister in celebrating the Lord's Supper as a corporate action was assisted in distributing the elements - the "serving of the communion tabillis" - by the elders and deacons who were the elected representatives of the congregation.³ Calvin through his very advocacy of an elected eldership and diaconate may be regarded as giving institutional form to Luther's priesthood of believers.⁴ But if distinction in function and in office there had to be, there was at the same time a profound reaction away from the extremes of Roman teaching, and the reformers were at pains to efface any sharp distinction between ministry and congregation. While he must be revered as a preacher of God's Word, each minister was nevertheless subject to the scrutiny

1. B.U.K. ii. 493, cf. 491; Calderwood, iii. 534, cf. 532; see also Knox, Works, ii. 255; History, ii. 322.

2. B.U.K. i. 86; Calderwood, ii. 333; Knox, Works, vi. 439.

3. E.g. The Buik of the Kirk of the Canagait, 6, 17-18, 25, 33, 43, 63; R.St.A.K.S. ii. 884, 932.

4. Cf. Christopher Hill, Society and Puritanism in England, 228.

of his own kirk session which could and did investigate his life and doctrine, and might even, with the superintendent's consent, depose an unworthy minister from his charge.¹

In the writings of Scottish reformers the term "clergy", in a reformed context, was conspicuous by its absence; and albeit the word inadvertently made a fleeting appearance in the second Book of Discipline,² it would appear that few Scots, with the exception of archbishop Adamson, a confirmed Anglophile in matters of church order, could have accepted any fundamental distinction between clergy and laity.³ The "auncient distinction betwixt the Priests and the people: the one sorte being tearmed the Cleargie and the other the laitie" of which Bancroft had spoken⁴ was specifically and strenuously denounced in Scotland where James Melville, as a presbyterian, had censured Adamson in 1586 for such usage, affirming instead that "that distinctioun of yours betwixt the clergie and laicks ... smelles of the pride of Papistrie, and arrogancie of these shavelings of the antichrist, who esteems themselves to be the holie inheritance of the Lord allanerlie, and the people to be, in respect of them, profane and unholie".⁵ In this James Melville was

1. Knox, Works, ii. 235; History, ii. 310.

2. B.U.K. ii. 502; Calderwood, iii. 544.

3. The term "laick" was used only very sparingly, e.g. Knox, Works, iii. 538; B.U.K. i. 196, 197, 231; ii. 621; S.R.O. CH2/252/1. MS Synod of Lothian Records, 37v. In 1610 archbishop Gladstones lamented that the Scottish bishops and ministers went about the streets of Edinburgh "as laicks", without any distinctively clerical vestments; O.L. i. 260.

4. Bancroft, A Survey of the Pretended Holy Discipline, 1593, 170-4.

5. Calderwood, iv. 517. In the following century, George Gillespie spoke of how the "name of clergie appropriate to Ministers, is full of pride and vaine-glory"; An Assertion of the Government of the Church of Scotland, 1641, 3.

at one with Calvin who had pointed out the inherent fallacy in ministers appropriating to themselves the name of clergy when "the whole church is by Peter denominated clerus, that is, the inheritance of the Lord".¹

The concept of vocation was thus closely associated with the doctrine of the royal priesthood; and at most the distinction between minister and church member, in a Scottish context, remained simply one of function within that corporate priesthood. Accordingly, the validity of a man's ministry was founded above all else upon the "calling", without which none might enter ecclesiastical office. Such a call, the authors of the second Book stated, could be extraordinary, as when the prophets and apostles had experienced a call immediately of God, but in a reformed and established church a second form of calling, besides the internal call of God, consisted of the "lauchfull approbatioun and outward judgement of men".² On this theme, the second Book did but repeat the message of the first. Just as the first Book had mentioned how "ordinarie vocatioun consisteth in Electioun, Examinatioun, and Admissioun",³ so too did its successor speak of how "ordinarie and outward calling" had two aspects, election and admission after due examination "be the judgement of the elderschip and consent of the congregatioun",⁴ followed by ordination or the solemn setting apart of the individual to his special function - "the separatioun and sanctifeing of the persoun

1. Calvin, Institutes, IV. iv. 9.

2. B.U.K. ii. 492; Calderwood, iii. 533-4; cf. Calvin, Institutes, IV. iii. 10-11.

3. Knox, Works, ii. 189; History, ii. 283-4.

4. B.U.K. ii. 492; Calderwood, iii. 534.

appointit of God and his Kirk".¹ In their express opposition to any intrusion of a candidate upon a congregation without its express consent, both books were in absolute agreement. But on the question of "ordination" a difference in emphasis can be detected, for whereas the second Book had defined the "ceremonies" to be observed at ordination as "fasting, earnest prayer, and impositioun of hands of the elderschip"² - scarcely deniable in view of Acts 13. 3 and I Timothy 4, 14. - the first Book had not only avoided using the word "ordination", and thereby any Roman sacramental concept - speaking instead of "inaugurating" a minister to a special charge - but had emphatically rejected any ceremony other than the consent of the people and "declaratioun of the cheiff minister".³ The ministers in 1560 had further resolved that "albeit the Apostillis used the impositioun of handis, yet seing the mirakle is ceassed, the using of the ceremonie we juge is nott necessarie".⁴ The doctrine of the ministry and its validity rested not upon any theory of personal succession or the transmission of orders, episcopal or otherwise: it was "neither the clipping of thair crownes, the crossing of thair fingeris, nor the blowing of the dum doggis, called the Bischopis, neathir yit the laying on of thair handis, that maketh thame true Ministeris of Christ Jesus", the first Book had declared, for it was only by "the Spreit of God inwardlie first moving the heartis to seke Christis glorie and the proffeit of his Church, and thaireftir the

1. B.U.K. ii. 493; Calderwood, iii. 534.

2. Ibid.

3. Knox, Works, ii. 193; History, ii. 286.

4. Ibid.

nominatioun of the People, the examinatioun of the learned, and publict admissioun" that "maikis men lauchtfull Ministeris of the wourd and sacramentis".¹

The initial rejection, in 1560, of the imposition of hands, soon to be reversed, is perfectly intelligible and appears to have been founded upon reasoning similar to that employed by Calvin who, partly because of the current superstition surrounding the rite, had omitted the imposition of hands in his Genevan Ordonnances of 1541, which required no ceremony, after election and examination, other than "a declaration to be made by one of the ministers" on the office of pastor² - phraseology which was later to be repeated by the Scots in their first Book of Discipline.³ If, on the one hand, the English exiles in Frankfort had approved the imposition of hands,⁴ as had a Lasco's church in London,⁵ John Knox and his associates in Geneva, on the other hand, in their Forme of Prayers had omitted all mention of the ceremony.⁶ For Calvin, the rite, though not deemed essential, was nonetheless to be preferred, were superstition avoided, since it had apostolic sanction:⁷

"though there is no fixed precept concerning the laying on of hands, yet as we see that it was uniformly observed by the apostles, this careful observance ought to be regarded by us in the light of a precept. And it is certainly

1. Knox, Works, ii. 255; History, ii. 322.

2. Calvin, Opera, x. i. 18.

3. Knox, Works, ii. 193; History, ii. 286.

4. A Brief Discourse, 187.

5. a Lasco, Opera, ii. 70; cf. Orig. Letters rel. English Reformation, ii. 571.

6. W.D. Maxwell, John Knox's Genevan Service Book, 58.

7. Calvin, Institutes, IV. iii. 16.

useful, that by such a symbol the dignity of the ministry should be commended to the people, and he who is ordained, reminded that he is no longer his own, but is bound in service to God and the Church. Besides, it will not prove an empty sign, if it be restored to its genuine origin. For if the Spirit of God has not instituted any thing in the Church in vain, this ceremony of his appointment we shall feel not to be useless, provided it be not superstitiously abused."

The French reformed church, in 1559, had given qualified approval to the ceremony, "yet without superstition, or opinion of necessity";¹ and in Scotland where a critical attitude was adopted, the laying on of hands soon found acceptance once the initial phase of superstition associated with the rite had passed away.

The re-introduction of the ceremony, however, is not to be attributed merely to the second Book of Discipline, for in this, as in much else, that document merely mirrored attitudes already present in the minds and writings of Scottish churchmen and theologians. The Scots in 1566 had after all accepted the second Helvetic Confession, and, while objecting to the passage on holy days, they had voiced no disapproval on the imposition of hands, which that confession had expressly approved.² To suggest that the church read the confession only imperfectly, or that it shrank from criticising the rite for fear of censuring another church's order,³ is perhaps a

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1. Quick, Synodicon, i. 3; Discipline or Book of Order of the Reformed Churches of France, ed. M.G. Campbell, 3.
 2. P. Schaff, Creeeds of the Evangelical Protestant Churches, iii. 280; O. Jones, The Church of the Living God: also the Swiss and Belgian Confessions and Expositions of the Faith, 151.
 3. Duncan Shaw, "The Inauguration of Ministers in Scotland, 1560-1620", R.S.C.H.S. xvi. pt. i. (1966), 44-6. It is noteworthy, however, that the second Helvetic Confession envisaged that entrants to the ministry "should be ordained by elders" (senioribus): Schaff, op. cit. iii. 280; Jones, op. cit. 151.

matter of special pleading. Not only had the members of assembly, some forty-one in all, "considered each chapter by itself and left nothing unexplored, and diligently examined everything respecting God, the sacred laws and rites of the church", but, as was said, had also proceeded to take exception to the observance of festivals which "at the present time obtain no place among us".¹ Having taken this step, they would surely have added, had they continued to feel strongly on the subject, that neither did they practice the imposition of hands. But, be this as it may, there can be little ambiguity surrounding the statement of Erskine of Dun, who, in November 1571, commenting upon the example of the primitive church, had observed how "by laying on of hands is understood admissioun to spirituall offices";² and his interpretation of the procedure to be observed in the induction of ministers was made absolutely clear in December 1571, when he wrote that admissions should take place in public "be impositione of handis be the pastouris, with admonitionis, fasting, and prayers passing befoir".³ Equally, as a result of the Leith agreement in 1572 the newly elected bishops were to receive the imposition of hands.⁴ It has also been observed how, at this point, "a distinction between ordination and induction, unknown in 1560, had now emerged".⁵ Later, in 1577, allusion was made in the assembly to the "ordinars and inaugurers" of Adamson, as archbishop,⁶

1. Zurich Letters, ii. 363-4.

2. Calderwood, iii. 157; Bannatyne, Memoriales, 198.

3. Spalding Club Miscellany, iv. 100.

4. Calderwood, iii. 207; Bannatyne, Memoriales, 224.

5. G. Donaldson, The Scottish Reformation, 164.

6. B.U.K. i. 386; Calderwood, iii. 379.

and if there were ordainers it is clear that there was also a corresponding acceptance of the concept of ordination. Had the second Book of Discipline spoken not of ordination as such but simply of inauguration by laying on of hands it might have removed considerable speculation by later commentators but, in any event, the terms "inauguration" and "ordination" were not mutually exclusive: inauguration did not necessarily rule out the possibility of the subsequent inclusion of the laying on of hands in the inauguration ceremony.

That there was diversity of practice and a good deal of flexibility in the methods employed by superintendents and commissioners in the admission of ministers is indicated in the attempts of successive assemblies to secure a certain uniformity of procedure. In 1570, the assembly had felt it necessary even to enact that all inaugurations should be conducted in public.¹ Equally, one is inclined not to disregard too lightly the celebrated case of Morrison, the minister of Garvald in east Lothian, who, after being deprived by the church of Scotland in May 1580 "for certane offences",² had proceeded to England, where he was licensed in April 1582 to preach the Word and minister the sacraments within the province of Canterbury. The validity of Morrison's ministry was recognised on the grounds that he had been "admitted and ordained to Holy Orders and the sacred Ministry by the General Synod or Congregation of the said county, assembled in the said town of Garvet, by imposition of hands according to the laudable Form and Rite of the Reformed Church

1. B.U.K. i. 173, 176; Calderwood, ii. 543; iii. 2.

2. R.S.S. vii. no. 2337.

of Scotland".¹ While the phraseology of this Latin document is understandably Anglican, containing such unfamiliar phrases as "holy orders", nonetheless exception cannot be taken to the wording "according to the laudable form", which not only sounds authentic but was in fact repeatedly used in a variety of contexts within the province of Lothian in the register of the presbytery of Edinburgh,² while the terms "sacred ministry" and "rite" were by no means unknown in Scottish usage.³ This, together with the very detailed information contained in the licence, strongly suggests that William Aubrey, the vicar-general, had taken some trouble to get his facts right. At a slightly later date, Patrick Adamson had been persuaded to acknowledge, apparently in 1581,⁴ that "the ordaining and appointing of pastors, which also is called 'the laying on of hands', apperteains not to onlie one bishop ... but to these who are of that same province or presbyterie"⁵ which would seem to indicate that ordination by a synod was not unknown, and this would go far to confirm the statement in the licence issued to Morrison that he had been ordained

1. The text is given in N. Sykes, Old Priest and New Presbyter, 96.

2. The phrase "according to the laudable use observed in the kirk" occurs, for example, in S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 10 June 1589, 14 October 1589, 23 December 1589, 25 February 1589/90, 16 May 1592, 1 June 1592.

3. In 1589 the synod of Lothian spoke of the ministry as "that high and sacred vocation"; S.R.O. CH2/252/1 fo. 9v. MS. Records of the Synod of Lothian and Tweeddale. Erskine of Dun repeatedly spoke of the "holy ministry"; Spalding Club Miscellany, iv. 93, 94, 95, 101. The "rites" of ordination are alluded to in S.R.O. CH2/185/1. fo. 27v. MS. Haddington Presbytery Records, 4 June 1589.

4. Melville, Diary, 121.

5. Calderwood, iv. 58.

by the synod of Lothian.

What is clear, however, is that the concept of ordination and the practice of the imposition of hands were not altogether unknown in a reformed context in the period prior to the second Book of Discipline's composition. It can be demonstrated further that the practice of ordaining with the accompanying laying on of hands, as enunciated in the second Book of Discipline, became an accepted practice in the Scottish church at the close of the sixteenth century.¹ What remained paramount, however, as the second Book of Discipline illustrated, was not so much the ceremony of the imposition of hands but rather the concept of vocation and the two aspects of the call.

IV. The Officers of the Kingdom

In its interpretation of the functions of pastor, bishop, minister and presbyter, the second Book of Discipline acknowledged only one essential ministry of the Word and sacraments; and in its identification of episcopi and presbyteri that document was at one with Calvin who wrote that "in giving the name of bishops, presbyters and pastors indiscriminately to those who govern churches, I have done it on the authority of Scripture, which uses the words as synonymous. To all who discharge the ministry of the word it gives the name of bishop".² Elsewhere, Calvin had expressly stated that only the offices of pastor, doctor, elder and deacon possessed divine warrant.³

1. See below, Appendix III.

2. Calvin, Institutes, IV. iii. 8.

3. Calvin, Opera, X. i. 15-17; Institutes, IV. iii. 4, cf. 5.

But, in the interests of a common protestantism, substantially united in doctrine, if not in polity, and of its survival against the Roman foe, the ecumenically-minded Calvin had not rejected diocesan episcopacy in contemporary churches, and to Poland he had even commended it.¹ His primary concern throughout, however, had been always to guard against dominion and superiority, lest one minister should usurp lordship over his brethren, since scripture had provided that "no one should dream of primacy or dominion in regard to the government of the church".² His study of the early church had revealed the bishop to be only "a president in an assembly" and this was purely a "human arrangement".³ It is significant, too, that Calvin found no place for bishops (as the emigres in Frankfort had for a superintendent) in Geneva or France, the two churches with which he had been most closely connected; and Hooker, rightly or wrongly, believed Calvin to be "an enemy unto regiment by bishops".⁴ Certainly, Calvin's emphasis on the eldership, on how discipline was "not to be administered at the will of an individual but by a lawful consistory"⁵ - a consistory, indeed, which was "ordained by the Spirit of Christ"⁶ - together with his stress on "governing and maintaining the church by ministers",⁷

1. J.T. McNeill, The History and Character of Calvinism, 217.

2. Calvin, Institutes, IV. iv. 4.

3. Ibid. IV. iv. 2.

4. Hooker, The Laws of Ecclesiastical Polity, VII. vi. 9.

5. Calvin, Institutes, IV. xi. 5.

6. Ibid. IV. xi. 6.

7. Ibid. IV. iii. 2.

amongst whom there could be no monarchy,¹ would all go far to suggest that in his judgment on Calvin Hooker had not greatly erred. At most, only the most reduced form of individual oversight could have been accommodated and contained within that kind of structure.

Reinforcing any misgivings which Calvin may have entertained, Theodore Beza, as his successor, left no room for ambiguity as to what he thought of diocesan episcopacy: "bishops ordained by man and brought into the church by little and little so as to establish government by a few" would, he told the Scots in 1576, degenerate into a new popedom. He had therefore urged "chasing away this device of man" since the issue itself had been resolved by Christ who had allowed no superiority among His own disciples.²

In place of bishops, so termed, the Geneva of Calvin and Beza had found a more acceptable alternative in the appointment for order's sake of a moderator - an office which Calvin held for life. Indeed, Calvin's description of the early bishop - whose duties as a "president in an assembly" of presbyters had been "to bring matters before them, collect their opinions, take precedence of others in consulting, advising, exhorting, guide the whole procedure by his authority, and execute what is decreed by common consent"³ - bears a distinct similarity to the role of moderator as exemplified not only in Geneva but also in the national synod and general assembly of the reformed churches of France and Scotland. In Scotland, in particular, the appointment of a moderator, elected by the whole

1. Ibid. IV. vi. 10.

2. S.H.S. Miscellany, viii. 102.

3. Calvin, Institutes, IV. iv. 2.

assembly, had been justified in 1563 "for avoyding confusion in reasoning, but that everie brother sould speake in his awin rowme";¹ and the second Book of Discipline had likewise spoken of moderators of assemblies "chosin be common consent of the haill bretherine, convenit, quha sould propone materis, gather the voittis, and caus guid ordour be kept in the Assembleis".²

It was not only Geneva and the churches of that tradition which identified the New Testament bishop and presbyter. Luther himself had long ago recognised that all ministers were bishops;³ and this was also a proposition which the first generation of Anglicans found perfectly acceptable, being content to regard diocesan episcopacy as an agreeable human device instituted for the sake of order and the avoidance of dissension.⁴ But in a document, such as the second Book of Discipline, which attempted to found its ministry on Christ's institution, there could be no place for the inclusion of an office which professedly was merely of human appointment. The existence of any permanent or exclusive system of pastores parochiarum could not be conceded. "It aggreit not with the Woorde", the second book declared, "that Bischoppis sould be pasturis of pasturis, pasturis of mony flokkis, and yit without ane certane flock",⁵ for bishops, properly understood, "ar all ane with

1. B.U.K. i. 38, 52; cf. Calderwood, ii. 240.

2. B.U.K. ii. 497; Calderwood, ii. 539.

3. H.H. Kramm, "The 'Pastor Parochiarum' in Luther and early Lutheranism", in And Other Pastors of Thy Flock, ed. Franz Hildebrandt, 124.

4. Parker, Correspondence, 454; G. Donaldson, The Scottish Reformation, 105-7.

5. B.U.K. ii. 506; Calderwood, iii. 548.

Ministeris".¹ Superiority and lordship were regarded as constituting no part of Christ's ministry; and episcopacy must therefore be reformed by restoring it to what, it was believed, was its original purity. The truly godly bishop was none other than the pastor of the congregation.² A corporate episcopacy must therefore take the place of the recently introduced diocesan episcopacy which the authors of the book regarded as a corrupted form of episcopacy.

Importance was attached to functions rather than titles; and the power of oversight and visitation, of more churches than one, was adjudged no intrinsic part of a pastor's, or bishop's, office, since it properly resided not with an individual but with the church at large. The authority to appoint commissioners, empowered by the corporate body to undertake the functions of oversight, lay therefore with the elderships or assemblies. But all this was of course no more than an acceptance and reiteration of the conclusions reached by the assembly in 1576; and indeed the theory behind these developments remained precisely the same as that which had led in the first place to the assembly's appointment of commissioners in the early 1560's. At no time since the reformation had the government of the church been committed solely to either superintendents or bishops, and even after the Leith agreement the majority of dioceses continued to be administered by ministers possessing a commission from the assembly.³

At most, therefore, the arrival of Beza's letter in 1576, at a

1. B.U.K. ii. 505; Calderwood, iii. 547.

2. B.U.K. ii. 505; Calderwood, iii. 548.

3. See above, chapter 6, 196.

time when the book was under composition, could only have strengthened and confirmed the convictions of its authors. Nothing, however, was said of the so-called sacred parity of pastors, and while oblique mention was made in the book, almost in passing, to "equalitie of power",¹ there was no sustained attempt to enlarge upon this theme, for within the assembly it had already found general approval and acceptance. At the same time, it is perhaps something of an exaggeration to say that nothing "was said of the manner in which the functions of oversight, previously exercised by bishops and superintendents, were to be carried out in future",² for the book itself stated in no uncertain terms that "everie Assemblie hes power to send furthe frome thair awin nowmer, ane or ma visitouris, to sie quhow all thingis be rewlit in the boundis of thair jurisdiction".³ Not only were visitors or commissioners specifically recommended in the book but any objection to oversight by commissioners of assembly still lay with the future.

On the functions of minister or bishop, chief of which were preaching and dispensing the sacraments, there was little which required explanation. Objection, however, was taken to ministers who deserted their vocation, a matter which had caused some concern in assemblies, and care was taken to ensure that the minister in such matters as excommunication and absolution, and in "solemnising" marriage contracts did nothing without "lauchfull proceeding in the mater be the Elderschip"⁴ - a recognition of the distinction, made

1. B.U.K. ii. 491; Calderwood, iii. 533.

2. G. Donaldson, The Scottish Reformation, 203.

3. B.U.K. ii. 497; Calderwood, iii. 539.

4. B.U.K. ii. 494; Calderwood, iii. 536.

earlier in the book, between the potestas ordinis and the potestas jurisdictionis.

A minor innovation in the book was the rediscovery of the doctor's office, "ane of the tua ordinar and perpetuall functionis that travell in the Woorde".¹ In effect, the doctor (likewise termed "prophet", "bishop", "elder" or "catechiser") was the theology professor, and if the minister was the "messinger and herauld betwene God and the peple", the doctor had the no less important function of interpreting scripture: "to oppin up the mynd of the Spirite of God within the Scriptouris, simplie, without sic applicationis as the Minister usis".² As an elder, the doctor had also the task of assisting the minister in governing the church in all assemblies, and while the minister might legitimately act as school teacher, the doctor unless orderly called could not act as minister: he could not administer the sacraments,³ and it was apparently not until the Westminster Assembly that Scottish presbyterians formally recognised the right of the doctor or teacher, in addition to that of the pastor, to administer the sacraments.⁴

Following up the proposals of the book, the general assembly in 1580, and again in 1582, had permitted in principle a minister to relinquish his own duties for a spell and exercise instead the office of doctor.⁵ But ever since John Douglas had retained his tenure of

1. B.U.K. ii. 495; Calderwood, iii. 537.

2. Ibid.

3. Ibid.

4. R.W. Henderson, The Teaching Office in the Reformed Tradition, 202.

5. B.U.K. ii. 469, 597; Calderwood, iii. 478, 688-9.

the provostry of St. Mary's college on his promotion to the archbishopric of St. Andrews - an incident which reflected credit neither on Douglas himself, nor upon the assembly which had approved the retention of his university offices¹ - it had definitely not been envisaged that an individual should simultaneously occupy both offices. This had been exemplified in the case of Robert Hamilton, minister of St. Andrews and provost of the new College (St. Mary's), who was required by the assembly in October 1576 to demit one or other of his offices.²

In terms of personnel, however, there was a good deal of interaction between the two functions: there were both ministers who became doctors and there were those who in effect were doctors who became ministers. James Lawson, John Davidson, James Melville, Robert Rollock, George Robertson, Peter Blackburn, Theodore Hay and Oliver Colt are all well-known men who held university appointments before undertaking a ministerial charge;³ and there were others, too, like John Bell⁴ and Robert Wilkie⁵ who were themselves ministers before becoming "doctors", while Andrew Hay succeeded in being both minister of Renfrew and rector of Glasgow university.⁶ On the other hand, the principal of Glasgow university was required to preach

1. B.U.K. i. 241-2; Calderwood, iii. 210-11.

2. B.U.K. i. 241; Calderwood, iii. 210-11.

3. Fasti, i. 28, 37, 51, 54, 131, 170; iii. 162; v. 212; vi. 36.

4. Ibid. iii. 149.

5. Ibid. v. 231. In October 1590, Wilkie had been translated from the ministry of St. Andrews to the principalship of St. Leonard's college, but it was not till October 1591, a full year later, that he was appointed minister of St. Leonard's parish, an office which he held in conjunction with his duties as principal; see below, 277.

6. Ibid. iii. 185; Munimenta, i. 75-79, 84, 119ff.

each Sunday in the kirk of Govan, as a result of the nova erectio of 1577 in which the crown had granted the parsonage and vicarage of Govan to the university for its support.¹

For several years, therefore, Andrew Melville, as principal, must have preached regularly to the congregation at Govan, a development which may have run perilously close to contravening the stipulations of the second Book of Discipline. If the book allowed a minister to set aside his office and undertake the function of a doctor, the reverse was also true: a doctor lawfully called by a congregation might legitimately become a minister,² but to assume both roles does seem to have been contrary to the spirit of the book. Calvin, however, who had noted that "a man may be a teacher who is not qualified to preach", had also recognised that "it may sometimes happen that the same person is both a pastor and a teacher, but the duties to be performed are entirely different".³ Whether, therefore, Melville ever fully became minister of Govan - whether he ever administered the sacraments there - is far from clear.⁴ His later exclusion by the king in 1597 from the presbytery of St. Andrews on account of his being a doctor and not a minister of a

1. Munimenta, i. 103-112; cf. R.M.S. iv. no. 2693; M'Crie, Melville, 33; Fasti, iii. 410.

2. B.U.K. ii. 495; Calderwood, iii. 537.

3. Calvin, Commentaries on the Epistles of Paul to the Galatians and Ephesians, (1841 edn.), 262.

4. It may be mentioned that Spottiswoode speaks of "Mr Andrew Melvill and other ministers", (History, ii. 258) but this may be no more than an erroneous inference. It is also noteworthy that while Melville and his nephew preached on Sundays in St. Andrews in 1582 during a vacancy, it was nevertheless George Black himself a mere reader, (e.g. R.St.A.K.S. ii. 499, 500; Fasti, v. 231) who was expected "to minister the sacraments and marie"; Melville, Diary, 126.

congregation¹ does not of course invalidate any hypothesis that Melville may have acted as minister to the parish of Govan during his residence at Glasgow. Like so much of Melville's life, not only is there no evidence that Melville was "ordourlie callit"² but there is also no evidence that he was not "ordourlie callit" to the ministry of Govan; and the assertion that Melville was "never ordained"³ answers nothing.

What can be said with certainty, however, is that when Glasgow presbytery records become available in 1592, Patrick Sharp, the successor of Smeton, and a former schoolmaster,⁴ is repeatedly designated "principal of the college of Glasgow and minister of Govan";⁵ and what is more Robert Boyd of Trochrig who, in turn, succeeded Sharp as principal, is known to have celebrated communion as minister of Govan.⁶ A somewhat similar situation also developed in St. Andrews where the principal of St. Leonard's college was also appointed minister for the parish of St. Leonard's.⁷ In Edinburgh,

1. MS. St. Andrews Presbytery Records, 15 July 1597.

2. B.U.K. ii. 495; Calderwood, iii. 537.

3. E.g. Duncan Shaw, General Assemblies, 140n.

4. Fasti, iii. 410.

5. G.C.A. MS. Glasgow Presbytery Records, e.g. see "The names of the brethrene on the exercise within the presbiterie of Glasgw and of thair kirkis and offices", (fly-leaf) and fos. 51v., 148v. and passim. The difficulties surrounding such a practice were revealed at a visitation of Govan in 1596 when it was complained "that thair is na residence of a minister at the kirk of Govane quhilk [wes] havelie lamentit be the elderis of the kirk of Govane"; ibid. 1 June 1596.

6. Select Biographies, i. 134. It should be stated, however, that Boyd had been ordained by the imposition of hands while serving in the French reformed church in 1604; Wodrow, Collections, ii. 31.

7. MS. St. Andrews Presbytery Records, 14 October 1591; cf. R.St.A.K.S. ii. 682n. 2; Fasti, v. 243.

too, Rollock as principal of the university also preached on Sundays in the "new kirk"¹ before being appointed minister in the city in 1596.² Equally in the north Alexander Arbuthnot had been concurrently principal of King's college, Aberdeen and minister of St. Machar's,³ as, in turn, was David Rait;⁴ and in 1602 it was even envisaged that the "maisteris of the college" should assist John Chalmer, the sub-principal, in "teaching" or preaching on Sunday afternoons in the kirk of Old Aberdeen.⁵ With the foundation of Marischal college in 1593, Robert Howie, as first principal, continued to act as city minister,⁶ while in Fraserburgh Charles Ferme was appointed to serve both as minister of the town and as principal of the newly created college.⁷

The integration of the doctoral office into the church's structure and constitution was however accomplished painlessly, without difficulty or dislocation. If the doctor, as has been claimed, "never had a special place within the courts of the Church",⁸ he was at the same time never excluded from the courts of the church, and indeed, a place, if not a special place, was found for the doctor not

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1. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 5 September 1587.
 2. Fasti, i. 37.
 3. Ibid. vi. 18. In 1580 it was Arbuthnot who "inaugurated" the elders and deacons after their election to the kirk session; New Reg. Ho. OPR. 168 A/12. MS. Aberdeen Old Parochial Register, 31 October 1580.
 4. Cf. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 7 August 1601; Fasti, vi. 18.
 5. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 2 July 1602.
 6. Fasti, vi. 13, 22; G.D. Henderson, The Founding of Marischal College, Aberdeen, 63; J.K. Cameron, Letters of John Johnston and Robert Howie, lxiv-v.
 7. Fasti, vi. 220-1.
 8. Duncan Shaw, General Assemblies, 129.

only in the presbytery but also in the synod and even in the assembly itself. As early as April 1582, St. Andrews presbytery was reported as consisting of pastors and teachers, though "not of these that hes not the cure of teaching".¹ In practice, the regents and masters of theology and philosophy together with Alexander Monipenny, the master of the grammar school, sat as members of the presbytery along with the ministers.² It was not until 1587 that the church decided to exclude the philosophy regents from attending presbytery meetings,³ and it was only as a result of the king's injunctions of 1597, in a move to diminish Melville's influence, that the divinity lecturers were prevented from attending presbytery meetings,⁴ though Melville⁵ and his colleagues did continue to frequent the exercise. Moreover, the contention that the inclusion of doctors or university representatives in presbyteries was "peculiar to St. Andrews"⁶ is not supported by the facts. Doctors or regents from Glasgow university, as might be expected, also sat as members on that presbytery,⁷ and the

1. B.U.K. ii. 549; cf. Calderwood, iii. 599.

2. MS. St. Andrews Presbytery Records, fo. 1r-v.

3. MS. St. Andrews Presbytery Records, 23 April 1590, containing extract of act of general assembly dated 23 June 1587, and extract of act of synod of Fife dated 8 April 1590.

4. S.R.O. CH2/121/2. MS. Edinburgh Presbytery Records, 8 February 1596/7; MS. St. Andrews Presbytery Records, 15 July 1597.

5. MS. St. Andrew Presbytery Records, 4 August 1597, 8 September 1597, 19 January [1597/8], 9 November [1598], 16 December [1598], 30 June 1599, 21 February 1600, 14 and 21 August 1600, 1 July 1602; cf. 24 November [1603] and 10 January 1605; 12 September 1605 and passim.

6. Duncan Shaw, General Assemblies, 129.

7. G.C.A. MS. Glasgow Presbytery Records, see "The names of the brethrene on the exercise within the presbiterie of Glasgw and of thair kirkis and offices" (at beginning of vol.).

same may have happened in Edinburgh, for in 1597 Edinburgh presbytery decided that "in tyme cuming na persone sall remane in the presbyterie bot actuall ministeris and sick as hes gevin up their names to be upon the exerces",¹ which may well suggest that doctors had attended the presbytery in the period preceding the king's directive of 1597.

Since "under the name and office of ane Doctour we comprehend also the ordour of Scoles, in Colleges and Universeteis",² it was no doubt logical that schoolmasters as well as ministers, university professors and elders should have a place on the presbytery.³ It is significant, therefore, that John Blackburn, "schulemaister in Glasgw",⁴ should sit as a member of Glasgow presbytery, and indeed become moderator of the presbytery in March 1600;⁵ while in Stirling, Alexander Yule, master of the grammar school, likewise attended presbytery meetings, even after 1597;⁶ and on more than one occasion was elected moderator of the presbytery.⁷ In view of this, it would

1. S.R.O. CH2/121/2. MS.Edinburgh Presbytery Records, 8 February 1596/7.

2. B.U.K. ii. 495; Calderwood, iii. 537; cf. the phrase "pour user d'un mot plus intelligible, nous l'appellerons l'Ordre des escoles" in Calvin's "Ordonnances" of 1541 and 1561; Calvin, Opera, x. 21, 100.

3. B.U.K. ii. 535; Calderwood, iii. 589. For a discussion of the attendance of elders in presbyteries see below.

4. G.C.A. MS. Glasgow Presbytery Records, see "The names of the brethrene on the exercise within the presbiterie of Glasgw and of thair kirkis and offices".

5. Ibid. fo. 148v. 11 March 1600.

6. MS. Stirling Presbytery Records, 31 October 1599 onwards. Yule's continued involvement in presbytery administration is indicated in 1599, for example, with his appointment as a commissioner for the visitation of Dunblane; ibid. 8 August 1599.

7. Ibid. e.g. 21 October 1589 and 9 March 1596/7.

seem that the exclusion of doctors from presbyteries at the king's behest in 1597 was not quite so thoroughly operative and effective in Glasgow and Stirling as it was in St. Andrews and Edinburgh.¹

Moreover, since the election of representatives to the assembly was conducted either by presbyteries themselves or sometimes by synods,² it is not surprising that doctors along with ministers and lairds should have been elected as commissioners to the general assembly. Although evidence for the election of commissioners from St. Andrews presbytery is somewhat scant, nevertheless Andrew Melville, John Johnston and Patrick Melville, all of whom taught at the university, were among the commissioners chosen in April 1593.³ In May 1594 Melville, as rector, and Homer Blair were among the commissioners elected,⁴ and in March 1595/6 Andrew Melville was again appointed one of the commissioners to the assembly,⁵ while in Glasgow Patrick Sharp, the university principal, likewise found himself on several occasions elected commissioner to the assembly.⁶ Like other members of

1. One possible explanation may lie in the fact that Blackburn had been reader at Cathcart between 1578 and 1580 (Fasti, iii. 381, 355), before becoming dean of faculty at Glasgow university (G.C.A. MS. Glasgow Presbytery Records, fo. 43r.; Munimenta, i, 156, 194; iii. 313) and master of the grammar school, while Yule likewise had been reader at St. Ninians in 1574 (Wodrow Miscellany, i. 366), an office which he later almost certainly relinquished, and it would appear that he is never so styled in Stirling presbytery records. The fact that both had earlier served as readers may well have been an extenuating factor which allowed their continued attendance at presbytery meetings.

2. See below, Appendix II.

3. MS. St. Andrews Presbytery Records, 19 April 1593.

4. Ibid. 2 May 1594.

5. Ibid. 11 March 1595/6.

6. G.C.A. MS. Glasgow Presbytery Records, fos. 45r., 65r., 148v. 5 March 1594, 17 February 1595/6, 11 March 1600.

presbyteries, the doctors unless specifically chosen had of course no prescriptive right to attend assemblies, though Melville himself seems to have been present at most.¹ At regional level, too, the synod of Fife obviously had regarded doctors as eligible to attend meetings of the synod, for not only is Andrew Melville's presence recorded on various occasions,² but his nephew James is known to have been appointed moderator of the synod while still only a theology master;³ and, again, in 1597 the church, under cross-examination from the king, reaffirmed its deep belief that doctors had an inherent right to sit and vote in synods.⁴

Familiar as he must have been with the doctoral office both in Geneva and in France, Melville was no doubt instrumental in reviving its Scottish counterpart, but the responsibility for the incorporation of the office in the second Book of Discipline need not necessarily be attributed only to Melville. University representation on the various committee stages of the book's composition was undoubtedly strong. There was certainly a renewed stress upon the office of doctor immediately after Melville's arrival which had found expression in the general assembly's request in August 1574 that "Doctours may be placit in Universities, and stipends grantit unto them; querby not only they quho are presentlie placit, may have occasion to be diligent in thair cure, but also uther learned men may have occasion to seik places in Colledges within this realme".⁵

1. B.U.K. see index.

2. E.g. Melville, Diary, 359; Calderwood, v. 436.

3. Melville, Diary, 245; Calderwood, iv. 494-5.

4. Melville, Diary, 395.

5. B.U.K. i. 305; Calderwood, iii. 335.

Yet long ago Knox and his colleagues in the Genevan Forme of Prayers - a document incorporated in the Scottish Book of Common Order¹ - had explicitly recognised the scriptural validity of the doctor's office "where tyme and place dothe permit".²

Although both pastors and doctors were alike regarded as "elders"³ nevertheless not only was the pastorate differentiated from the doctorate but both in turn were distinguished from the eldership since "in this our division, we call thais Eldaris quhom the Apostles callis Presidentis or Governouris".⁴ There existed therefore, as Calvin had shown,⁵ a functional difference between ruling and preaching presbyters.⁶ As an ordinary and perpetual office "always necessare in the Kirk of God" elders once called were obliged not to leave their office, but this of course by no means ruled out the possibility of re-election to specific commitments, annual or otherwise, and the book itself had recognised the need for special provision to be made that "ane part of thame may releif ane uther for ane ressonable space".⁷

It is possible to see in the book a progression towards a clerical concept of the eldership and diaconate, since not only were elders and deacons to be elected for life but they were also to receive ordination: not only was the office of elder "ane functioun

1. Knox, Works, vi. 293-4.

2. Ibid. iv. 177.

3. B.U.K. ii. 496; Calderwood, iii. 537.

4. B.U.K. ii. 496; Calderwood, iii. 537-8.

5. Calvin, Institutes, IV. xi. 1.

6. For Scottish usage of the term "presbyter" see below, 344-346.

7. B.U.K. ii. 496; Calderwood, iii. 538.

spirituall, as is the Ministre",¹ not only were the deacons, who were regarded as exercising a "ministrie",² to be elected "as the rest of the spirituall officiaris",³ but both together with the schoolmaster were "comprehendit undir the cleargie",⁴ despite the criticisms of both Calvin and James Melville on the choice of that term.⁵ It may be tempting, therefore, to regard the elder and deacon as constituting two offices in the ministry, two orders, that is, of clergy.

Yet, was there really any profound gulf, it must be asked, any unbridgeable ideological conflict between the elders of the second Book of Discipline and those of the first? There is strong reason for believing this is not so. The first reformers, like their successors, had regarded the elder as called by God to a special vocation and office within the church,⁶ and this being so it would be a little difficult to deny that this sense of vocation which an individual experienced was felt to be a lasting and enduring experience rather than a fleeting one, and certainly not one which ended yearly. The first Book of Discipline had of course allowed that an elder might well be "reteaned in office mo yearis than one".⁷ The case for annual elections, however, had been twofold: it was designed to interfere as little as possible with a man's livelihood and occupation, and it was seen, too, as a deterrent against any

1. Ibid.

2. B.U.K. ii. 510; Calderwood, iii. 553.

3. B.U.K. ii. 501; Calderwood, iii. 543.

4. B.U.K. ii. 502; Calderwood, iii. 544.

5. See above, 260-261.

6. Knox, Works, ii. 154; History, ii. 279.

7. Knox, Works, ii. 234; History, ii. 310.

tendency to dominion by a few. But the practice of annual elections had itself little to do with constitutional theory, and seems to have sprung merely from wont and custom, for in the order observed in the "privy kirk" of Edinburgh elders and deacons had been elected to their offices which "thay patiently susteaned a yeir and mair: and then, becaus they could not (without neglecting of thair awen private houses) langer wait upoun the publick charge, they desyred that they might be releaved, and that uthers might be burdeined in thair roume: quhilk was thocht a petitioun ressonabill of the haill Kirk".¹

Certainly, with the establishment of a full system of church courts, with oversight by commissioners and presbyteries, and with the almost excessive desire by all concerned to submit to fraternal correction and mutual censuring,² any fear of tyranny must soon have faded, and even with annual elections it was in any event substantially the same people who were returned each year.³ In St. Andrews kirk session alone, there were elders and deacons elected in 1559 who were still serving in that capacity in the 1580's,⁴ and when the register closes in 1600 there was still one, first elected in 1559, who had miraculously survived as elder for some forty years.⁵ Although, on

1. Knox, Works, ii. 151-2; History, ii. 277.

2. See e.g. S.R.O. CH2/448/1. MS. Aberdeen Kirk Session Records, 12 April 1568, 21 January 1573/4; (Selections from the Records of the Kirk Session ... of Aberdeen, 14, 16); S.R.O. CH2/450/1. MS. Edinburgh General Session Records, 3 May 1574; The Buik of the Kirk of the Canagait, 16, 24, 32-3, 62, 70; cf. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane, 1586-88.

3. See below, Appendix IV.

4. E.g. Thomas Balfour, George Black, Martin Geddie, John Motto and Thomas Walwod, while James Wilkie and James Robertson, elected respectively in 1561 and 1562, were both still acting as elders in 1589; see R.St.A.K.S. passim.

5. William Cok; ibid.

the whole, elders of kirk sessions continued to be chosen annually - and Andrew Melville seems never to have voiced any complaint at his own annual election as an elder of St. Andrews kirk session¹ - sometimes it became simply a matter of confirming the same persons in office. In Anstruther, the procedure adopted in 1592 was for the elders to convene and enter into "tryell and censuring of everie one in particular concerning ther dewetie in ther office publicklye and privatlye, and ther eftir sic as wes fund meit wes continued and exhorted to a greater diligence in tym coming and utheris wer named" to fill any vacancies which had thereby arisen;² while in Burntisland elections were apparently held only every other year.³

Furthermore, the church's reply to the king's questioning in 1597 whether elders should be elected for life is assuredly illuminating, for it was maintained that elders were already elected for life, unless otherwise deprived, and that it was only because there was no financial assistance forthcoming that they could not afford to neglect their occupations every year while attending to their ecclesiastical duties. For this reason, therefore, a number were successively elected to relieve the others, though all of course remained elders.⁴ The suggestion here, it would seem, was not that elders should permanently put aside their occupations and enter what might be called a "professional eldership". The intention was

1. *Ibid.* ii. 694, 751, 760, 788, 802.

2. New Reg. Ho. OPR. 403/1. MS. Anstruther Wester Old Parochial Records, 19 August 1592.

3. S.R.O. CH2/523/1. MS. Burntisland Kirk Session Records, 7 November 1602, 3 April 1608, 17 February 1611, 28 July [1611], 9 November 1617, 14 November 1619, 4 November 1621, 21 December 1623, *etc.*

4. Calderwood, v. 588; Melville, *Diary*, 394.

rather, were it possible - and it never became possible - that elders should be re-imbursed for their loss of earnings, and this was of course why the reformers in 1560 had argued that a "publict stypend" for elders and deacons was not necessary "becaus thair travell contineuis bot for ane yeare; and alsua becaus that thay are not so occuppyed with the effares of the Church, but that reasonabillie thay may attend upoun thair domesticall besynes".¹

Equally, if the elders of the second Book of Discipline are to be interpreted as an order in the ministry in the light of the statement that the office was a "spiritual function as is the ministry",² then so too must the annually elected elders of the first book be so regarded. Indeed, the prayer used at the election of elders in Edinburgh in the 1560's had specifically mentioned how God "hes always usit the ministry of men, alswell in preiching of thy word, and administratioun of thy sacraments, as in gyding of thy flock, and provyding for the puir within the same",³ and not only had Knox and his friends in their Genevan Forme of Prayers grouped the elders "with the rest of the ministers",⁴ but the English exiles in Frankfort in their second New Discipline of 1577 had likewise spoken of the elders' "ministry or office" which was to end on 1 March each year.⁵

The second Book of Discipline, it is true, had envisaged

1. Knox, Works, ii. 237; History, ii. 312.

2. See above, 283-284.

3. Knox, Works, ii. 153; History, ii. 278.

4. Knox, Works, iv. 176.

5. A Brief Discourse of the Troubles at Frankfort, 186.

ordaining elders with the imposition of hands - as had the English in Frankfort¹ and a Lasco in London² - but this, as has been illustrated,³ was no more than an outward sign of their vocation, a recognition of that spiritual grace which they already possessed, and if the elder of the second Book of Discipline could conceivably be mistaken "for an order in the ministry",⁴ if, as has been argued, an elder now "ceased to be a layman as generally understood",⁵ then it was definitely not his election for life, nor even his ordination which made him a "minister", but only that divine calling which was of course common to the elders of both books. Similarly, while the ordination of elders remained an exception rather than the rule, it is nonetheless interesting to find that the elders of Burntisland in 1608 and again in 1611, though still elected only for a term, were required to "receave ordination to their callings and work according to the forme in all poyntis",⁶ and the elders so elected, whose number included several skippers, a wright, a couper, and a maltman, must have been popularly regarded as lay persons. They did not form what in any sense could be

1. Ibid.

2. a Lasco, Opera, ii. 75; Orig. Letters rel. English Reformation, ii. 571.

3. See above, 284.

4. G. Donaldson, Scotland: Church and Nation through Sixteen Centuries, 62.

5. G. Donaldson, The Scottish Reformation, 186.

6. S.R.O. CH2/523/1. MS. Burntisland Kirk Session Records, fos. 32r., 42r. 10 April 1608, 24 February (1611).

regarded as a professional ministry. Even in presbyteries, where elders were elected for life,¹ it would again be well nigh impossible for contemporaries to regard Adam Erskine, the lay commendator of Cambuskenneth, or the lairds of Garden and Blairlogie, who were among the elders of Stirling presbytery,² or the laird of Cockpen of Dalkeith presbytery³ - men whom contemporaries called "gentlemen elders"⁴ - as anything other than unquestionably "laymen" who happened to be office-bearers in the church.⁵ It would certainly seem that there is little enough evidence either in theory or in practice which would confirm the view that the elder of the second Book of Discipline "received indelible character",⁶ a concept which the reformers had surely denounced and discarded.⁷

"Some people", it has been said, "cannot distinguish between

1. MS. Stirling Presbytery Records, 8 August 1581, 22 August 1581, 10 October 1581.
2. Ibid. 8 August 1581.
3. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fo. 71r. 27 June 1583.
4. N.L.S. Adv. MS. 6.1.13 fo. 40r.; cf. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fos. 71r. 76r.
5. Archbishop Adamson, as a contemporary, obviously regarded the elders of the second Book of Discipline as "laymen" for in his account of that work he had spoken of how "seniors, or elders of the laick sort, are not agreeable with the Scriptures, nor ancient puritie of the primitive kirk"; Calderwood, iv. 54; Melville, Diary, 152.
6. G. Donaldson, The Scottish Reformation, 186.
7. Cf. Knox, "for now, we haif na Leviticall Preistheid", (1556); see Knox, Works, iv. 127; cf. J.L. Ainslie, Doctrines of Ministerial Order, 192. It should be noted moreover that when ministers were deposed they were explicitly stated to have been deprived from all office and function within the kirk and not merely from the administration of that office. In no sense were they regarded as continuing to have any "ministerial character"; and presumably the same set of circumstances also applied to elders too.

'spiritual' and 'clerical'""¹ and so have regarded the elders as constituting part of the "clergy". The distinction itself, however, is certainly not an easy one to make when confronted with a document like the second Book of Discipline, which was the product of more minds than one. Yet the suggestion that Melville thought of the elders as **clergy** or even quasi-clerical may be seriously questioned. Unlike Knox, and unlike the second Book of Discipline, Melville did not speak of elders as in any sense "ministers" or "clergy", and while he regarded all office-bearers as in some way elders, he clearly distinguished between pastors and doctors on the one hand, who in effect constituted a professional ministry, and elders or "governors, to which office gentlemen and other qualified persons that are not ministers may be called",² on the other.

The progression towards regarding an elder as elected for life - as possessing a permanent vocation - though subject to re-election to a specific charge can scarcely be regarded as an innovation, for it involved no change of principle, merely one of detail. It is not surprising, therefore, that "the perpetuitie of the persons of the Elders" was at once accepted in 1578 by the assembly, and apparently, after discussion,³ by the conference called by the king to discuss the second Book of Discipline.⁴ The judgment of one contemporary - possibly lord Menmuir - on the election of elders for life, though favourable, was perhaps more severe:⁵

1. G.D. Henderson, Presbyterianism, 63-4.

2. Calderwood, iv. 290; cf. 295n. (Document attributed to Melville)

3. Spottiswoode, ii. 240; Calderwood, iii. 437.

4. B.U.K. ii. 415; Calderwood, iii. 413.

5. N.L.S. Adv. MS. 29.2.8 (Balcarres Papers, vol. 8), fo. 128v.

"quhen he makis the office of ane elder
perpetuall, I think it should be so, and yit
it is playne contrarie the ordor that hes bene
observit quhair eldaris hes bene yeirlie
electit through the haill realm".

But lord Menmuir, elsewhere, had obviously taken a less critical view of life elders, for in 1597 he had declared: "I have borne the office of ane elder dyvers yeiris in the principall kirk of this realme quhilk makis the office to continew with me for my lyf tyme".¹ Menmuir, it is true, may have been pleading a special cause: he was resolutely opposing the claim of Robert Wallace, minister of St. Andrews, to special privilege as an "elder", which Menmuir contended ought not to prejudice his own position as elder.² But, at the same time, his words do reveal a deeper truth. Here, it may be, was an implicit acceptance of the theory of the eldership propounded in the second Book of Discipline, and here, too, was an apparent realisation that the vocation of an elder ought to be enduring and permanent.

Not only did the underlying concept of the elder's office remain substantially the same, but later elders were themselves endowed with essentially the same powers as those assigned to their predecessors. It is true, of course, that the king's mischievous inquiry, drawn up by lord Menmuir,³ in 1597 as to whether the kirk session should not be the judge of a minister's doctrine had led to the ministers - taking as their text I Corinthians, xiv. 32: "the spirit of the propheits is subject to the propheits" - to insist that

1. Ibid. fo. 83v.

2. Ibid. fos. 55-111.

3. Calderwood, v. 596.

pastors and doctors alone, as expounders of scripture, could be judges of doctrine,¹ an apparently logical enough deduction. It is of course very easy to read too much into this pragmatic statement of 1597 and thereby gloss over other no less pertinent facts. In 1597, the church was decidedly on the defensive, following the Edinburgh riot in December 1596, and its primary objective here was simply to repel any attempts at royal interference in doctrinal matters. The summoning before the privy council in 1596 of David Black, minister in St. Andrews, for purported treasonable speeches uttered in pulpit, had been regarded in ecclesiastical circles as a "preparative quhairby the haill auctoritie of Chrystis kingdome myt be overthrawn be subjecting to the judgment of the Civill Magistrat the censuring of the preiching of the word and saitting of injunctionis thair upone and upone the haill discipline of the kirk".² Moreover Menmuir, who had drafted the articles of 1597 and himself an elder, was at that very moment engaged in a process relentlessly pursued and directed against Robert Wallace, minister in St. Andrews, and the whole presbytery of St. Andrews.³

In more normal times, however, in a more relaxed and less inflammatory atmosphere, it is evident from visitations that elders were expected to judge and give an account of their minister's doctrine. In December 1591, Robert Rollock as visitor had "demandit of the eldaris of Dalkeith anent the doctrine and lyfe of thair minister", Archibald Simson, and in reply the elders had reported that

1. *Ibid.* 588, 597, 601.

2. MS. Stirling Presbytery Records, 24 November 1596; Calderwood, v. 460.

3. See above, 291.

their minister had "taught the undoutit truthe of God sensiblie till all", that "he growis in doctrine and edifying" and that they found "in him a gud example of lyfe and conversatioun".¹ Similarly, at a presbyterial visitation of the kirk of Haddington in 1589, the gentlemen and elders after being solemnly "chargeit to declair the trewth as thay wald answer to God in the day of jugment" declared that they could find no fault with their minister, nor of any insufficiency in his doctrine "but that he behavit him self in all thingis as becomes the Minister of Goddis Word in doctrene and example of lyf",² but the parishioners did suggest that Carmichael's doctrine, though sound, was nevertheless "ovirleirnit above the commoune pepillis capacities"³ and they also recommended that it was time that the minister, with the advice of the kirk session, should change his text. Carmichael was therefore "ordanit to change and tak upone the Lordis day befoir none with the advyse of his sessioun sum of the Evangelistis or of the Epistillis and efternone the Cathechisme and on Thurisday to begine the Genesis and red every ordinar day ane haill chapter to the end quhairof he may gather the haill in sum heidis with nottis, applicationis and exhortationis as the text sall offer swa familiar plane as may be".⁴

Not only were the imperfections of the minister revealed by the elders and parishioners, but those of his wife, family and

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1. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 16 December 1591.
 2. S.R.O. CH2/185/1. MS. Haddington Presbytery Records, fo. 34r. 2 July 1589.
 3. Ibid. fo. 34v.
 4. Ibid. fo. 34v.

servants came under the closest scrutiny; and it was not unknown for the moderator of the presbytery to admonish a minister "maist gravelie" to reform his wife and family.¹ At Aberlady, the "gentlemen" of the parish adjudged their minister's doctrine to be "cauld and not edificative";² at Gullane, the laird of Saltcoats and other parishioners found their minister "sumtymis lyt in language";³ and at Tranent the parishioners felt the minister's doctrine "edificative" but wished it were "mair pithie".⁴ At a presbyterial visitation of Nig in Aberdeenshire, the minister "being removit and censurit, receavit a guid testimonial of his eldaris and remanent of the"parochie and thairfor commendit and allowit";⁵ but at Skene the minister was accused that "he delyveris nocht the doctrine of salvatioun to the edificatioun of that flok as thair neid requirit".⁶ In addition to on the spot visitations, the presbytery of St. Andrews, like its counterpart in Stirling,⁷ required commissioners from the churches of the presbytery to present

1. Ibid. fo. 35r.

2. Ibid.

3. Ibid. fo. 36v. At a visitation of Gullane on 27 August 1589, it was the "elderis and congregatioun" who were asked to report on their minister's life and doctrine; ibid. fo. 42r.

4. Ibid. fo. 38v. 13 August 1589.

5. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 10 July 1601; cf. 3 August 1599.

6. Ibid. 27 July 1599. At a similar visitation of Skene on 11 July 1600 it was "be vote of the gentillmen and utheris of the parochie" that the two ministers of the church were "censurit" and "allowit", while at Drummask (?Drumoak) on 18 July 1600 the minister "being censurit wes allowit be the vote of the eldaris".

7. MS. Stirling Presbytery Records, e.g. 12 August 1589, 26 August 1589, 22 September 1590.

themselves before the presbytery that they might "testifie of the doctrein, lyfe and disciplin exercisit be thair minister and to complain upon thaim gif ony occasioun thei hed".¹

Little dubiety need remain, therefore, as to whether any distinction existed between the powers enjoyed by the elders of 1560 and those of their successors. Under the presbyterian system, the elders were plainly expected to examine and judge their minister's life and doctrine in precisely the same manner as that outlined in 1560 in the Book of Discipline; and just as no minister under the earlier system could be deposed except with the consent of the superintendent, synod or general assembly, so too had consent to be obtained from the presbytery, synod or assembly² under the presbyterian system which succeeded it before a minister could be removed. The element of congregational initiative was there ready to be grasped for, as presbyterial visitations abundantly indicate, it was not only the elders but the parishioners, too, who were required to give their considered judgment on their pastor's doctrine and ability. Doubtless much depended on whether a church had a receptive or rebellious congregation, on whether it possessed a determined or docile kirk session, and on whether its minister was domineering or easy-going; but there can be no doubt that it was easy for elders to gain the upper hand particularly where the minister was inexperienced or ineffective.

1. MS. St. Andrews Presbytery Records, 27 August 1590, 3 September 1590, 17 September 1590, 15 September 1591, 23 September 1591, 30 September 1591, 14 October 1591.

2. Cf. MS. Stirling Presbytery Records, 1 July 1589, containing an extract of general assembly, not longer extant in the official records of assembly, dated 6th. session, 21 June 1589.

At St. Ninians, the gentlemen elders, whose ranks included Duncan Nairn of Lockshill,¹ Alexander Seton of Gargunnock, and Henry Abercromby of Kersie, ("Carsy"), had "insistit in urgein" their new minister, Henry Livingstone, to baptise an illegitimate child of John Murray of Touchadam without obtaining the parents' repentance - which included the humiliating experience of standing bareheaded in sackcloth at the pillar of repentance on successive Sundays. "Allaigein it hes bein the commone practeis usit in thair assembleis befor his cuming to thame and that thai knew na act of the kirk made in the contrar", the elders had warned their minister that "he did thame wrang gif he refusit the samin, thruch the quhilk he was constranit ather to bapteis the said bairn, or than to suffir seditione to arys betuix him and thame, and sua the haill disceplein of thair kirk to gang lows".² The dilemma which confronted the young Henry Livingstone in 1588 was doubtless one which other ministers had experienced too, for not all ministers could aspire to become popes in their own parishes. The contention, therefore, that the powers of the elders in 1560 were withheld from those of later times³ does not really stand examination.

If ministers, doctors and elders were all in a sense elders and entitled as such to sit and vote on the eldership, they could also

1. More generally designated "of Torbrex", see MS. Stirling Presbytery Records, 8 August 1581; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane - visitation of St. Ninians kirk, 11 November 1586.

2. MS. Stirling Presbytery Records, 16 April 1588.

3. G. Donaldson, The Scottish Reformation, 186.

be regarded, at the same time, as "deacons".¹ Recognising the linguistic problem present in interpreting the "deacon", which, it was conceded, could be taken as incorporating "all thame that bear office in the ministerie and spirituall functioun of the Kirk",² the authors of the book, like their predecessors in the first book, had proceeded nevertheless to define the deacon proper as a financial officer whose duties comprised of collecting the church's revenues, in general, and in particular as a collector of alms to distribute the goods received amongst the poor and needy. In practice, however, the deacon's financial duties never became so all-embracing as those envisaged in either book, and the office was confined largely to the collection and distribution of alms. Yet, while this remains true, it is significant that as early as April 1561 the superintendent of Fife "wyth avyis of the consayll" had required the deacons of St. Andrews kirk session "to resave and intromit wyth the frutis" of the prebends of "the Lady College Kyrk upon the hewch" and distribute them "at the discrecion and sycht of the holl ministerie".³

Whereas the first book had required not only the elders but the deacons also to "assist in judgement with the Ministeris and Elderis"⁴

1. In England, Walter Travers' approach had been somewhat different: discerning the two essential ministries of bishop and deacon, Travers had proceeded to comprehend within the office of bishop the functions of pastor and teacher, and within the office of deacon he differentiated the elder and the distributor or deacon proper. Unlike Calvin and the Scots who had distinguished between the two forms of presbyters, Travers had thought rather in terms of two kinds of bishop and two varieties of deacon; see S.J. Knox, Walter Travers, 33-34.

2. B.U.K. ii. 501; Calderwood, iii. 543.

3. R.St.A.K.S. i. 76-7; cf. 138-9.

4. Knox, Works, ii. 237; History, ii. 311.

- and Theodore Beza in his letter to Glamis had recognised the deacon's role in the church courts¹ - the second Book of Discipline, on the other hand, on the basis of a strict definition of functions had denied to the deacon any place in "presbyteries or elderschippis"² since the office was purely a financial and not a disciplinary one. Such a deduction would seem both logical and impeccable. Yet while no place was allocated to the deacon on the new regional presbytery, after its creation, deacons did of course continue to sit on the kirk session as they had done in the past, though at Burntisland, at the beginning of the seventeenth century, the deacons along with the elders did receive - as the second Book of Discipline had recommended - "ordination to thair callingis and work according to the forme in all poyntis".³ As early as 1571, however, Erskine of Dun had pointed the way when he had remarked that "the deacouns, which were chosin in Jerusalem by the whole congregatioun, were receaved and admitted by the Apostles, and that by laying on of their hands, as Sanct Luke writteth in the sixt chapter of the Acts of the Apostles".⁴

The second Book of Discipline took care, however, to ensure that the deacons, though elected for life, should be subject to the same restrictions as those which governed the activities of their predecessors: "becaus this vocation apperis to mony to be dangerous, let thame be oblegit (as thay war of auld)⁵ to ane yeirlie compt to

1. S.H.S. Miscellany, viii. 106.

2. B.U.K. ii. 501; Calderwood, iii. 543.

3. See above. CH2/523/1. MS. Burntisland Kirk Session Records, fos. 32r., 47r. 10 April 1608, 17 February 1611.

4. Calderwood, iii. 157; Bannatyne, Memoriales, 198-9.

5. See Knox, Works, ii. 222-3, 225-6; History, ii. 303, 305.

the pasturis and Elderschip".¹ Indeed, it could be said that in some respects the safeguards proposed in the second book went beyond those of the first, since it was now envisaged that "gif the Kirk and Prince think expedient, lett cautioneris be oblest for thair fidelitie that the Kirk rentis on nawyse be delapidat".²

In kirk sessions it was common practice for auditors to be appointed to scrutinise the accounts rendered by the deacons.³ Besides this, in the general session of Edinburgh, Robert Gourlay, though an elder, had been appointed treasurer⁴ in 1574, and in Perth it was not unknown for one deacon, in particular, to be appointed "distributer to the ordinar pure",⁵ while in some rural areas, such as Fossoway,⁶ the familiar pre-reformation term "kirkmasters" (i.e., churchwardens)⁷ was used for those who carried out the deacon's duties and were elected for a term along with the elders. Sessions normally also took the additional precaution of giving custody of the poor's box to one individual, perhaps the reader or an elder,

1. B.U.K. ii. 510; Calderwood, iii. 553.

2. Ibid.

3. E.g. MS. Stirling Kirk Session Records, 30 November and 7 December 1598; S.R.O. CH2/450/1. MS. Edinburgh General Session Records, 14 July 1575.

4. S.R.O. CH2/450/1. MS. Edinburgh General Session Records, entry preceding that of 1 July 1574, and 3 March 1574/5. He is designated "elder" in entry of 16 May 1574. The first Book of Discipline had spoken of "commoun Thesauraris, to wit, the Deaconis"; Knox, Works, ii. 222; History, ii. 303.

5. S.R.O. CH2/521/3. MS. Perth Kirk Session Records, 7 October 1594; 12 October 1601; 11 October 1602.

6. New Reg. Ho. OPR.461/1. MS. Fossoway Old Parochial Records, 1 January 1609, where the names are given of fifteen elders, six kirkmasters and one beadle. See also S.R.O. PS1/50 fo. 122r. (Register of the Privy Seal), where mention is made of the elders and kirkmasters of the parish church of Baldernock. (22 April 1584).

7. See Dictionary of the Older Scottish Tongue.

while entrusting the key or keys to one or more different elders,¹ but even this, it would seem, was not infallible, and in one case it was not the deacons but the minister himself, the decrepit Alexander Livingstone of Kilsyth, who confessed to Glasgow presbytery that he had appropriated "the penalteis of offenderis",² while in Ayr any fear of corruption in the popular imagination found embellishment in the accusations of one woman who in 1606 had been "convict of grit blasphemie in saying that na bodie had the ryt of the pure folkis silver bot the devill and the proveist".³

V. The Elderships

Of the four office-bearers postulated, three were thus entitled to sit on the courts of the church: "Eldarschippis or Assembleis", it was stated, "ar constitute commounlie of Pastouris, Doctouris and sic as commounlie we call Eldaris that labour not in the Woorde and Doctrene",⁴ and of these courts only three, within a nation, are clearly distinguished: the well-established kirk session, synod and general assembly. In international terms, despite the rise of national churches almost everywhere, with their varying dogmas, rituals and politics, and the apparent fragmentation of the church universal as a visible institution, the Scottish church had

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1. E.g. MS. Stirling Kirk Session Records, 7 December 1598; S.R.O. CH2/450/1. MS. Edinburgh General Session Records, 6 [February] 1574; S.R.O. CH2/523/1. MS. Burntisland Kirk Session Records, fo. 50r. 4 August [1611].
 2. G.C.A. MS. Glasgow Presbytery Records, fo. 70v. 10 August 1591.
 3. MS. Ayr Kirk Session Records, 19 May 1606.
 4. B.U.K. ii. 497; Calderwood, iii. 539.

never lost sight of the church as a catholic institution.

Presbyterianism was a strongly international movement and a common protestant bond there undoubtedly was with the best reformed churches overseas, particularly those of the Calvinist tradition, such as the French who, as the Scots had acknowledged in 1587, were "memberis of the sam body quhairof we ar".¹ The second Book of Discipline championed the vision of an ecumenical general council "representing the Universall Kirk of Chryst",² itself composed of "all and divers nationis professing ane Jesus Chryst".³

The sovereignty of the church courts, so described, their power to exercise ecclesiastical discipline quite independently of any civil jurisdiction, their inherent right to convene of their own accord without tarrying for the magistrate's permission were all upheld in the book, but this of course was nothing other than a confirmation of existing practice;⁴ and even before Melville's homecoming, it will be recalled, not only had the ministers insisted that the assembly existed of divine right but had also rejected the very notion of a royal supremacy over the church.⁵ The assembly, in short, was bound to continue irrespective of the sovereign's religion. In language strongly reminiscent of Knox's earlier pronouncements,⁶ the raison d'etre for the assembly, synod and kirk

1. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 26 September 1587.

2. B.U.K. ii. 500; Calderwood, iii. 542.

3. B.U.K. ii. 497; Calderwood, iii. 539.

4. See above, chapter 4. For later developments after the "Black acts" of 1584 see below, chapter 9, 462ff.

5. See above, chapter 5, 114-115.

6. See above, chapter 4, 65.

session was firmly stated. Their existence, it was claimed, was necessary "first to keip the religioun and doctrene in puretie, without errour and corruptioun; nixt, to keip cumlines and guid ordour in the Kirk".¹ In matters ecclesiastical, therefore, the book re-affirmed the church's established right, through its courts, to administer church discipline, and to make and unmake statutes and ordinances in all things affecting the church's welfare.² In 1578, Andrew Melville, following in Knox's footsteps, had himself defended the church's right to hold assemblies,³ and, again, in 1584 he was once more obliged to restate this fundamental principle.⁴

A critical view has sometimes been taken of the second Book of Discipline on account of its proposal to limit its voting membership to "ecclesiasticall personis" consisting of ministers, doctors and elders, while admitting others only to "propone, heir and reasoun".⁵ Yet the proposal itself seems to have commanded widespread support, and it was "passed over" without comment by the convention which the king had summoned to discuss the book in 1578.⁶ Furthermore, in the aftermath of the "anti-presbyterian dictatorship" of the Arran regime, when the restrictions on voting membership recommended in the second Book of Discipline came up for approval in the assembly of May 1586, that assembly, in which the king himself was present, "found that all such as the Scripture appointeth Governours of the

1. B.U.K. ii. 497; Calderwood, iii. 539.

2. B.U.K. ii. 498; Calderwood, iii. 539-40.

3. Melville, Diary, 68.

4. Ibid. 162; Calderwood, iv. 165.

5. B.U.K. ii. 500; Calderwood, iii. 542.

6. Spottiswoode, ii. 244; Calderwood, iii. 439.

Kirk of God as, namelie, Pastours, Doctours, and Elders may conveyne to Generall Assemblies and vote in ecclesiasticall matters; and all others that hes any sute or uther things to propone to the Assemblie, may be ther present and give in thair sutes, and propone things profitable to the Kirk, and heir reasoning, but sall not vote".¹

All this was a resounding endorsement of the recommendations of the second Book of Discipline. And here, incidentally, was one way of avoiding, or at least of lessening, the charge repeatedly made in the past that the church by convening its assemblies was guilty of convoking the king's lieges. It is necessary, however, to consider in some detail how the assembly's composition was affected by the proposals of the second Book of Discipline.

The decision to restrict voting rights in the assembly, which the Melvillians supported, was at any rate not nearly so revolutionary as that proposed by their episcopal opponents who, had they succeeded, would have altered the whole character of the assembly's composition, reducing and transforming it into an exclusive "conventioun generall of clergie", properly termed, since it would have been merely an "assemblie of bishops or clerks" severely subordinated to the crown in parliament.² Here in this latter case, and in contradistinction to the Melvillian proposals, or more explicitly to those of the

1. B.U.K. ii. 650; Calderwood, iv. 557.

2. Calderwood, iv. 145-6; Melville, Diary, 196. For a later example see also Spottiswoode, iii. 211. At congregational level, the episcopalian proposals were equally restrictive, for on 22 October 1609, the bishop intimated to Glasgow kirk session that the synod had concluded that elders and deacons in all sessions were to be chosen by the ministers themselves; G.U.L. Wodrow's MS. Biographies, Life of David Wemyss, fo. 29.

second Book of Discipline, were all the makings of a real clerical oligarchy. As was so often the case, it was archbishop Adamson and not Andrew Melville who was the real innovator. The Melvillian solution, on the other hand, may be regarded as little more than an extension and adaptation of earlier ideas on the subject. A firm precedent can be found, for example, in the act of assembly of July 1568 which appears to have "aimed at reconstructing the assembly as a primarily ecclesiastical convention".¹ According to the act of 1568, none was to have "place nor power to vote except superintendents, commissioners appointit for visiteing kirks, ministers brocht with them presentit as persons abill to reason, and having knowledge to judge", and along with "the foirnamit sall be joynit commissioners of burghes and shyres, together with commissioners of universities".² Not only so, but shire commissioners were to be elected at synods, and the burgh commissioners were in turn to be chosen by the "counsall and kirk of their awin townes".³ What is more, there is evidence that this act was observed. Not only had the assembly in 1576 referred to "commissioners appointed by synods",⁴ but in July 1580 the burgh commissioners from Edinburgh were themselves appointed "with advice of the minister, elders and deacons of the kirk".⁵

Equally, there are many references to the presence of "commissioners of towns and kirks" and "commissioners of churches"

1. G. Donaldson, The Scottish Reformation, 145.

2. B.U.K. i. 124; Calderwood, ii. 421.

3. Ibid.

4. B.U.K. i. 363.

5. Edinburgh Burgh Records, iv. 167.

in assemblies both before and after the act of 1568. While there are no extant official sederunts, the commissioners present at the assembly of December 1560 are said to have included two representatives "for the towne of Striveling and kirk thereof",¹ and two commissioners "for the Kirk of Leith" are said to have attended the convention of 1572.² Implementation of the act of 1568 would seem only to have encouraged a tendency which was already apparent.³ All in all, the evidence, so far, does seem to point quite forcibly to the kirk session's participation, in at least an advisory capacity, in addition to that of the town council in the election of burgh commissioners.

Furthermore, there is good reason to suppose that preference was given to candidates who were themselves elders. If the assembly represented the involvement of the godly in ecclesiastical politics, it was not illogical and it is hardly surprising that preference should be given to men whose godliness was attested in their daily lives by their acceptance of that divine calling which they had experienced and which had led them to serve as elders or spiritual officers in the church. The subject is an intriguing one in which it is impossible to dogmatise since the few appointments of burgh

1. B.U.K. i. 3.

2. Ibid. 203.

3. Cf. S.H.S. Miscellany, viii. 105.

commissioners which do survive cannot be compared directly with the sadly depleted and fragmented kirk session records which contain the election of elders, for rarely are both extant for the same years. But in the few cases where it is possible, comparisons are revealing. In addition to earlier examples, already cited,¹ of burgh commissioners who are known to have served as elders, it can also be said with certainty that William Cook, commissioner from St. Andrews in March 1574/5,² was concurrently an elder in the session as well as bailie in the town council;³ that Clement Little, present in the assembly of April 1576,⁴ was likewise elder in the general session of Edinburgh;⁵ that Henry Adamson, the Perth commissioner in 1581,⁶ was elder for that year;⁷ that Alexander Rutherford, Aberdeen's commissioner,⁸ also served as elder in the session;⁹ and that Philip Grieve, commissioner for Burntisland in 1602¹⁰ was likewise an elder of the

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1. See above, chapter 4, 56.
 2. B.U.K. i. 320; Calderwood, iii. 340.
 3. R.St.A.K.S. i. 400. (Elected 20 October 1574)
 4. B.U.K. i. 352.
 5. S.R.O. CH2/450/1. MS. Edinburgh General Session Records, 13 October 1575, 3 November 1575. (Elections).
 6. B.U.K. ii. 544.
 7. S.R.O. CH2/521/1. MS. Perth Kirk Session Records, fo. 61r. 17 July 1581. It should be noted however that just before the assembly met on 17 October 1581 a fresh election of elders had taken place in Perth on 8 October 1581 (ibid. fo. 65v) in which Adamson's name does not appear, but even at this point the new elders had still to be sworn in and accepted by the congregation.
 8. B.U.K. ii. 544. (October 1581).
 9. New Reg. Ho. OPR 168A/12. MS. Aberdeen Old Parochial Register, 15 October 1581. Rutherford, who had served as elder in 1575, 1577, 1579 but not in 1580, was "inaugurated" elder in 15 October 1581 just two days before the assembly was due to meet.
 10. B.U.K. iii. 979. (10 November 1602).

session.¹

These glimpses, inconclusive in themselves, do suggest a tendency towards electing men, usually councillors, who had themselves served as elders on the session. But quite apart from evidence of this nature which may be considered circumstantial, there is also the testimony of Archibald Simson, who began his ministry at Dalkeith as assistant to his father in 1586, and who in his unpublished Latin history had recorded the right of elders to attend as a result of the act of 1568.² Nor was Simson altogether mistaken in his judgment. In 1576, James Boyd, archbishop of Glasgow, no less, had spoken in similar terms of the presence of the "Ministrie and uthers, Elders of the Kirk" at the convention of Leith in 1572;³ and lord Glamis had also indicated the attendance of elders in his description of the assembly's traditional composition. "After the Reformation, it became the accepted custom", he explained to Beza, "that the bishops and as many of the ministers, pastors and elders as the bishops commanded should assemble in one place with the notable barons and nobles professing the true religion to investigate matters of both faith and morals"; and he went on to enquire from Beza whether under

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1. S.R.O. CH2/523/1. MS. Burntisland Kirk Session Records, 7 November 1602. (Election). Philip Grieve or "Greiff" was also a bailie, see ibid. e.g. 21 November 1602.
 2. N.L.S. Wodrow MSS. Quarto vol. xiii. no. 1. fo. 8r.-v. "1568. Anno sexagesimo octavo sacra synodus Edinburgi habita in quam tot omnium ordinum confluerunt ut pronumero (quibus debeantur suffragia) expectante synodo molestias darent: consilio habito synodus concludit episcopis, superintendentibus, ministris, barronibus et presbyteris missis, burgorum delegatis, et a senatu ecclesiastico oppidorum suffragia deberi proviso tamen ne terriarium numerum excedant".
 3. B.U.K. i. 378.

a godly prince it was permissible for the ministers alone to assemble, or whether it was still possible for "the elders who are chosen among us yearly from the people and also from the nobility, to come to such assemblies without the king's command".¹

Elders in some capacity or other were certainly present in the general assembly and the record of St. Andrews kirk session shows that from at least as early as 1572, and regularly thereafter, it was the kirk session, and not the town council, which chose commissioners to the assembly, and in every instance - save one isolated occasion when the session elected the provost who was not an elder, along with two elders, or any one of them, as representatives to the assembly² - the persons who were commissioned by the session were always current elders of the session,³ though often choice was made of an elder who also happened to be a councillor. It is evident, however, that the persons so chosen represented and were commissioned by an ecclesiastical and not a civil organ. It should also be emphasised that the procedure in St. Andrews for the kirk session to elect commissioners who were elders stemmed from a date antecedent to Melville's return. The original decision to send elders to the assembly simply cannot be

1. S.H.S. Miscellany, viii. 105. (*Italics mine*).

2. R.St.A.K.S. ii. 526.

3. Ibid. i. 367-8, 406, (cf. 459-60), 478-9; ii. 748-9, 798, 921.

attributed to Andrew Melville, or for that matter to the second Book of Discipline.

If there were thus elders in the assemblies before the second Book of Discipline's compilation, it is also true that there were elders in later assemblies. Not only had one contemporary spoken of the attendance of "gentlemen elders" at assemblies,¹ but the king himself had addressed his speech in the assembly of 1590 to "my good people, ministers, doctors, elders, nobles, gentlemen and barons".² Indeed, the very order and sequence of the persons addressed in which the "ministers, doctors and elders" took precedence over the "nobles, gentlemen and barons" is itself a revelation.

As a group, the burgh commissioners had never represented a very significant or prominent element in assemblies. The defective minutes of assemblies together with the burgh records themselves do indicate the intermittent presence of burgh commissioners from the principal towns of the realm: from such royal burghs as Edinburgh, Haddington, Stirling, Perth, Dundee and Aberdeen, from Glasgow, Irvine and Ayr in the west, and even, in an admittedly isolated instance, from Jedburgh and Wigton, together with commissioners from St. Andrews, Leith and the Canongate. Yet where detailed sederunts are available, it is evident that only five burghs found representation in the assembly of July 1567,³ six of possibly seven in that of

1. N.L.S. Adv. MS. 6.1.13. fo. 40r.

2. Calderwood, v. 106.

3. B.U.K. i. 110. (Edinburgh, Ayr, Irvine and Glasgow).

January 1571/2,¹ four in August 1590,² five in November 1602,³ and six in June 1610⁴ - an assembly, incidentally, which consisted of some 136 ministerial representatives (including ten bishops, two archbishops, one university representative from St. Andrews) together with the king's commissioners and fourteen members of the nobility.⁵

If there was thus a distinct tendency for burgh representation to become swamped, though never quite to disappear, amidst other sectional interests present, it is evident, at the same time, that a much more important grouping both numerically and socially were the lairds and gentlemen, the landed gentry, who normally attended assemblies as shire commissioners; and when presbyteries began to assume the responsibility for naming shire commissioners, a much clearer picture of this important element in the assembly's composition emerges. What is more, despite the extremely fragmented evidence which remains, it can be demonstrated that many of these shire commissioners were themselves elders of the kirk session or presbytery.

Alexander Forrester of Garden, a frequently elected commissioner to the assembly,⁶ was an elder in St. Ninians kirk

1. *Ibid.* 203. (Montrose, Dundee, Edinburgh, Irvine, Ayr, Haddington and "the kirk of Leith").

2. *Ibid.* ii. 767. (Stirling, Leith, Wigton and Edinburgh).

3. *Ibid.* iii. 978-9. (Edinburgh, Dundee, St. Andrews, Leith and Burntisland).

4. *Ibid.* 1091. (Edinburgh, Perth, Dundee, Aberdeen, St. Andrews and Glasgow).

5. *Ibid.* 1085-1091.

6. For details regarding the following commissioners cited, see Appendix II.

session,¹ and appointed elder for life of Stirling presbytery;² Alexander Bruce of Airth, another commissioner, was similarly an elder in Airth kirk session;³ both Umphra Cunningham, commissary of Stirling, and James Pont, commissary of Dunblane, who were among the "barons and gentlemen" appointed to the assembly in April 1582, were elders not only of Stirling kirk session,⁴ but were elected elders for life to Stirling presbytery, as was Adam Erskine, the commendator of Cambuskenneth.⁵ In the Lothians, too, the laird of Cockpen, who had been chosen commissioner to the assembly, was an elder of Cockpen kirk session,⁶ and also an elder on Dalkeith presbytery;⁷ Crichton of Lugton, Borthwick of Newbyres and Thomas Megget of Newbattle were three other commissioners who were also elders on Dalkeith Presbytery;⁸ the laird of Dalhousie was both commissioner to the assembly and an elder in Cockpen;⁹ George Kerr, the heir of Faldonside, a commissioner from Haddington presbytery, was similarly an elder on

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1. MS. Stirling Presbytery Records, 8 August 1581; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: St. Ninians, 11 November 1586.
 2. MS. Stirling Presbytery Records, 8 August 1581.
 3. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Airth, 1 July 1586.
 4. MS. Stirling Presbytery Records, 8 August 1581; cf. MS. Stirling Kirk Session Records, e.g. 2 November 1598 and 1 November 1599.
 5. MS. Stirling Presbytery Records, 8 August 1581.
 6. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 28 May 1590, 6 January 1591/2.
 7. Ibid. 27 June 1583.
 8. Ibid. 8 November 1582; 27 June 1583, 8 August 1583. Megget is designated "in Newbattle" in the entry of 27 June 1583, but appears as Megget "of Newbattle" on 18 April 1583 when elected commissioner to the assembly.
 9. Ibid. e.g. 28 May 1590, 6 January 1591/2.

Gullane kirk session and of Haddington presbytery;¹ the laird of Trabroun, also commissioner from Haddington presbytery, seems to have been an elder of Haddington kirk session;² the lairds of Braid and Faldonside, two commissioners from Edinburgh presbytery, are stated to have been elders,³ possibly of Edinburgh presbytery, and the probability is that the laird of Merchiston, another commissioner, was also an elder, for he appeared before the synod of Lothian in April 1594, along with the laird of Braid, as commissioner from the West kirk of Edinburgh;⁴ while James McGill of Pinkie and James Rigg of Carberry who had been commissioners to the assembly from Edinburgh presbytery in 1588 are known to have been elders of Musselburgh kirk session in 1591,⁵ and after Musselburgh was linked in 1591 to Dalkeith presbytery the goodman of Carberry was named commissioner to the assembly by Dalkeith presbytery in 1594.

A similar pattern emerges in Fife where Andrew Wood of Stravithie and William Murray of Pitcairnies, provost of St. Andrews - who both currently served as elders on St. Andrews kirk session⁶ -

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1. S.R.O. CH2/185/1. MS. Haddington Presbytery Records, fo. 10r.-v. 15 May and 1 June [1588].
 2. Ibid. fo. 30r. 2 July 1589. He was commissioner to the assembly in June 1589.
 3. Calderwood, iii. 596-7.
 4. S.R.O. CH2/252/1. fo. 75r. MS. Records of the Synod of Lothian and Tweeddale, 2 October 1594.
 5. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 28 October 1591. (It was at this point that Musselburgh was joined to Dalkeith presbytery).
 6. R.St.A.K.S. ii. 760-1. Wood of Stravithie and John Aytoun of Kinnaldy had also been elected to the assembly in April 1593. There are, however, no records of any kirk session elections for 1592-3 but in the elections of November 1593 both were chosen elders of the session. (Ibid.).

were "nominat out of the boundis of the presbitrie" of St. Andrews as commissioners to the assembly in May 1594; and the lairds of Kilconquhar and Durie, recorded as elders in 1593,¹ were likewise chosen as commissioners in 1594.

While it is known that these commissioners were all elders, it is not always possible, on the basis of stray references in presbytery records, to discover whether they actually served as elders for the specific years in which they were elected commissioners, but not only was it customary for elders to be re-elected for successive terms of office but many of the commissioners were themselves presbytery elders who of course had been appointed for life.

It is also extremely significant that in the majority of rural parishes, for which particulars are available, that the local "landit men" normally served as elders on the session. In 1581, Duncan Nairn of Torbrex and Adam Spittal of Blairlogie, representing respectively the kirk sessions of St. Ninians and Logie, were among the elders elected for life to Stirling presbytery;² Alexander Seton of Gargunnoch, David Rollock of Powis and Henry Abercromby of Kersie were all sessioners at St. Ninians;³ and Thomas Drummond of Corsecaple was similarly elder in Dunblane kirk session.⁴ At Kippen, John Shaw of Brocht, Gabriel Livingston of Dentirrane, James Knox of

1. MS. St. Andrews Presbytery Records, 17 May 1593, 13 September 1593.

2. MS. Stirling Presbytery Records, 8 August 1581.

3. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: St. Ninians, 11 November 1586.

4. MS. Stirling Presbytery Records, 7 February 1593/4, 10 April, 1594; cf. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Dunblane, 10 October 1586.

Ladyland and John Campbell of Arngibbon were all prominent elders,¹ while Kilmadock kirk could boast of five local gentlemen as elders: Archibald Edminston of Ballantone, James Edimston of Newtown, James Mushet of Spittaltoun, James Doig of Ballingrew and James Drummond of Deanston.² In Airth, too, apart from the laird himself, his brother, John Bruce, and Archibald Bruce of Powfowlis are known to have been elders,³ and in Clackmannan David Bruce of Green and Archibald Bruce of Kennet also served in that capacity.⁴

Within the kingdom of Fife, Kilrennie kirk had as elders John Ingles of Tarvat and Alexander Ingles of Tarvat, younger, together with John Beaton of Balfour.⁵ Crail possessed the laird of Pitmillie as an elder on the session,⁶ Leuchars had the laird of Pitcullo,⁷ and at Kemback the lairds of Cambo and Blebo are known to have been members of the session.⁸ In St. Andrews itself, before the close of the sixteenth century, some twenty or so landed men are named as elders for the rural areas of the parish,⁹ and in Kinghorn, at the beginning of the next century, Bothwell of Balmuto and Bothwell of

1. MS. Stirling Presbytery Records, 12 March 1587/8, 26 August 1589; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Kippen, 18 August 1586, cf. 16 August 1587.

2. MS. Stirling Presbytery Records, 26 March 1595.

3. Ibid. 12 December 1587; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Airth, 1 July 1586.

4. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Clackmannan, 21 October 1586.

5. New Reg. Ho. OPR. 403/1. MS. Anstruther Old Parochial Records, 14 February 1579/80, 31 November 1581, 4 December 1583.

6. MS. St. Andrews Presbytery Records, 9 August 1593.

7. Ibid. 2 October 1600, 16 October 1600.

8. Ibid. 10 January 1605.

9. R.St.A.K.S. ii. passim.

Pittedie were likewise elders.¹

Across the Forth, in the Lothians, the lairds of Dryden, Hawthornden, Auchindinny, Craigmillar, Roslin and Bannatyne of Pettindreich were all elders of Lasswade.² In the west of Scotland, by the early seventeenth century, William Cunningham of Caprington, the Fullertons of Corslie, elder and younger, the laird of Carloun, Fullerton of Dreghorn, Gilbert Cathcart of Clolinand and John Wallace of Dundonald had all been recruited to serve as elders of Dundonald parish in Ayrshire.³ The same pattern is evident in the north where Robert, and later William, Durham of Grange were elders at Monifieth,⁴ while in Aberdeenshire Patrick lord Glamis, Alexander Wood of Colpnay and Walter Wood of Fettercairn were among the gentlemen elders of Bathelnie,⁵ as were Gilbert Menzies of Pitfoddells at Maryculter,⁶ the laird of Culter at Peterculter,⁷ and Arthur Garden of Banchory at Banchory.⁸ In Elgin, John Annand of Murestoun was a prominent elder on the session,⁹ and at Old Aberdeen, George Gordon

1. Minutes of the Kirk Session of Kinghorn, ed. J. Crawford, 13.

2. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 8 November 1582, 3 January 1582/3, 20 June 1583, 27 June 1583, 13 March 1588/9, 11 November 1591.

3. S.R.O. CH2/104/1. MS. Dundonald Kirk Session Records; see The Session Book of Dundonald, ed. H. Paton, *passim*.

4. New Reg. Ho. OPR.310/1. MS. Monifieth Old Parochial Records, entry between 1 February and 31 May 1573, 14 July 1575, 24 April 1579, 30 March 1595.

5. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 17 August 1599, 24 July 1601, 6 August 1602.

6. *Ibid.* 24 August 1599 (see also the names of other gentlemen who served as elders, *ibid.*).

7. *Ibid.* 10 August 1599, 3 July 1601.

8. *Ibid.* 31 August 1599, 10 July 1601.

9. S.R.O. CH2/145/1. MS. Elgin Kirk Session Records, e.g. 18 September 1585 onwards; cf. W. Crammond, The Record of Elgin, ii. 6, 17, 32.

of Grandoun, Alexander Middleton of Bernehillock and Charles Gordon of Blairton figured among the landed gentry who sat as elders on the kirk session.¹

Many more examples of the local gentry's participation as elders in kirk session discipline could be cited, but from evidence of this nature which is worth stating in some detail and which does seem to be representative, the conclusions are clear: the majority of lairds and gentlemen - from whose ranks the commissioners of shires were chosen - were manifestly elders in their local kirk sessions. Not only so, but if presbyteries also consisted of "ministers and gentlemen",² so too - as the elections of commissioners disclose - was the general assembly's composition dominated by "bayth gentillmen and ministeris";³ and if the presence of gentlemen in presbyteries was justified by Melville in 1585 on the grounds that they were elders,⁴ then it was an exceedingly simple step to transfer this theory to the assembly as well. Since the church was firmly in control of the election of shire commissioners, either in presbyteries or synods, and since it is also known that elders attended synods⁵ as well as presbyteries, it was really inevitable that the gentlemen who were elected by these courts turned out also to be elders of the church. Indeed, one commentator investigating

1. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 7 August 1601.

2. Calderwood, iv. 51, 54, 87, 268; Melville, Diary, 149, 152.

3. Cf. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 29 July 1590.

4. Calderwood, iv. 290.

5. See below, 320-323.

the church's polity for Bancroft's benefit, in what was on the whole an accurate if occasionally aspersive report, had written convincingly enough of how presbyteries or elderships had appointed as commissioners "ministers and gentlemen elders to be agentes concerninge there effares and actions befor the synode [i.e. general assembly] which is stablished with greate and princelye authoritie".¹

The Melvillian solution - the solution advocated in the second Book of Discipline and endorsed by the assembly - does seem to have operated in practice. The Melvillians did not require, as their episcopalian opponents would have wished, that the assembly should lose its characteristic composition. Instead they sought to combine its traditional representation with the added requirement that the voting membership should consist of ministers, doctors and elders. At a time when most lairds and gentlemen were also elders, and when burgh representatives were chosen by, or with the advice of, the kirk session, such a step presented no difficulties and could be accomplished without any perceptible dislocation. Nor did contemporaries see anything unusual in attending assemblies in a dual capacity, as it were, for as commissioners from the king Herries and Deer had informed the assembly in April 1578 that though not empowered from the king to vote in the assembly they would nevertheless give their advice and vote "as brether and members of the Kirk".² Much of the theory behind the second Book of Discipline's reasoning can of

1. N.L.S. Adv. MS. 6.1.13. fo. 40r.-v. The text of the document clearly distinguishes between the "provinciall assemblye" (or synod) and the "generall synode" (or general assembly); ibid. fo. 39v.

2. B.U.K. ii. 405-6.

course be traced back to the act of 1568, and even earlier, for as lord Glamis had indicated the backbone of the assembly's traditional composition had consisted from the outset of ministers and elders. All in all, the Melvillian solution was no great development from earlier practice.

What was no less important was the church's ability in the kirk session (often, though not always, in consultation with the town council) and in the presbytery and synod effectively to determine the assembly's composition; and as a sovereign body which claimed to derive its existence and authority directly from Christ, and not intermediately through the king, the assembly as an institution was obviously less amenable than most to royal influence, interference or manipulation. With a composition, elected on such a basis, the assembly could not easily be packed or bribed, or rendered ineffective. The vast bulk of its membership consisted of men who assuredly were appointed and commissioned by the courts of the church in terms which do seem to have satisfied the requirements of the second Book of Discipline. And when in 1608 the synod of Fife required its commissioners to the assembly to "tak heid that no Nobillmen, Barrounes, nor Burgessis be admit to vote in the Generall Assemblie, namely in matters of weight, concerneing the Governement of the Kirk, but sic as haiff Commissioun from the Presbytries, and thair of so mony only as the order and custome of our Kirk allowis",¹ the objective in mind of course was not to alter the assembly's composition but only to ensure that the commissioners elected would be effectively

1. Melville, Diary, 753.

controlled by the church and not by the king. The fear in 1608 was that some "innovatioun" would be made "tending to the furtherance of Episcopall governement",¹ and the synod's tactics on this occasion were to enlist all means at its disposal in opposing the advancing sceptre of episcopacy, and with it the inevitable state control which would follow.

As the highest court in the church, the general assembly, in terms of its authority and composition was obviously of crucial importance, but the second Book of Discipline also devoted considerable attention to the other courts of the church. The synod was defined as a lawful convention of the pastors, doctors and elders of a province, which might also legitimately be called the "Conference of kirkis and bretherine".² Here, in a phrase, was perhaps a hint of the corresponding movement which was developing in England where the term "conference" was applied to the classis or presbytery.³

1. Ibid.

2. B.U.K. ii. 499; Calderwood, iii. 541.

3. Cf. Puritan Manifestoes, 97, 107-8. In Scotland, the meeting of the presbytery itself was sometimes spoken of as the "place" or "house of conference". (N.L.S. Adv. MS. 6.1.13. fo. 39r.-v.; S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fo. 94v. 13 February 1583/4.) The contact between English radicals and ministers of the Scottish church had of course been longstanding. Apart from the examples of Knox, Goodman and Willock and the Scottish church's intervention in the vestiarian controversy, mention may also be made of the "wilfulle companie" of English puritans who, according to the bishop of London, had just returned from Scotland in 1568 (B.M. Lansdowne MSS. 10. fo. 146r.); of John Davidson's correspondence in 1583 with John Field as to whether the general assembly should petition for "reformatioun of some abuses in your churche and especiallie that sincere men may have libertie to preache without deposing be the tyrannie of the bishopis" (N.L.S. Adv. MS. 6.1.13. fo. 42r.); of Melville's friendship with Travers and Cartwright whom he had invited, albeit unsuccessfully, to St. Andrews in 1580 (N.L.S. Wodrow MSS, folio vol. xlii. fos. 11v.-12r.; Thomas Fuller, Church History, IX.

The inclusion of elders in synods, however, was no new phenomenon. It is true that in the synod of Lothian and Tweeddale, whose records have survived for the seven years between 1589 and 1596, the presence of elders, if indeed they did attend, has gone unrecorded. They were certainly not nominated as assessors to the moderator, and in the minutes of that synod, whose proceedings were very largely concerned with the "trials" of its constituent presbyteries, the initiative lay all too clearly with the ministers. It may be significant, too, that where lairds and gentlemen did make an appearance it was either only to petition¹ or, at the instance of the synod itself, to answer charges laid against them.² Similarly, a minute of Stirling kirk

Footnote Contd...

vii. 52); of the Brownists' arrival in St. Andrews in 1584 to whom Melville granted letters of commendation, but who were soon to find themselves engaged in a dispute with the presbytery of Edinburgh for suggesting that the discipline of the Scottish church was altogether amiss (Calderwood, iv. 1-3); of the flight to England of the Scottish presbyterian ministers in 1584 (see G. Donaldson, "The Scottish Presbyterian Exiles in England, 1584-8", *R.S.C.H.S.* xiv. 67-80); and of the large attendance of English puritans at James Lawson's funeral in London (B.M. Additional MSS. 4736, fo. 166v; Selections from Wodrow's Biographical Collections, ed. Robert Lippe, 231-2; Wodrow Society Miscellany, i. 451-2); of Udall's visit to Scotland in 1589 (Calderwood, v. 58, 131-2); of John Bonar who in August 1592 had handed in to Dalkeith presbytery his testimonials "fra the faythfull brether of the ministerie in England" (S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 17 August 1592); of "Mr. Banford minister at the Newcastle in England" who sought the assistance of the synod of Lothian in 1593 "concerning the estate of thair kirk thair" (S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, fo. 55r. 4 August 1593) and who in 1607 contributed a sum of money for the relief of some Melvillian ministers (Melville, Diary, 710; Calderwood, vi. 660); and of the invitation to "Maister Cartwrycht" to become minister of Edinburgh in 1596 (S.R.O. CH2/121/2. MS. Edinburgh Presbytery Records, 7 September 1596).

1. S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, e.g. fo. 75r.
2. Ibid. e.g. fo. 53r.-v.

session in 1598 which read "thair was na conventione of the eldarship of this kirk becaus the minister and clark was in Perth at the synodall assemblie"¹ does not even remotely suggest that any elders accompanied the minister on the thirty-three miles ride to Perth, which is perhaps understandable.

Yet, having stated the negative evidence, there is also documentation which confirms both that elders were expected to attend, and that they did attend, meetings of synods. As early as 1562, it had been enacted that an elder or deacon from each church in the province should attend the synod,² and the act of 1568 had of course provided for the election of shire commissioners by the ministers and gentlemen who convened at the synod.³ Moreover, John Hepburn, minister of Brechin, in a letter to Erksine of Dun, mentioned how "we have ordenit our commissionaris, and hes authorised them with our commissione and instructions" to the synod of Angus held at Montrose.⁴ Again, in 1586, archbishop Adamson, who objected to gentlemen having the right to vote in synods, was said to be "dashit in conscience and terrified with the number of gentilmen conveyned" in the synod of Fife;⁵ and James Melville himself has enumerated how there were present in that synod "twenty-eight elders, labouring in the Word and doctrine, by the gentlemen, elders of the congregatiouns and commissioners of touns".⁶ In September 1593 we hear of "sindrie of the barons"

1. MS. Stirling Kirk Session Records, 2 March 1597/8.

2. B.U.K. i. 29; Calderwood, ii. 208.

3. B.U.K. i. 124; Calderwood, ii. 421.

4. Spalding Club Miscellany, iv. 63-4; cf. H.M.C. Fifth Report, Appendix, 635.

5. Melville, Diary, 247; Calderwood, iv. 496, 498.

6. Calderwood, iv. 520.

attending the synod of Fife;¹ and in 1597 a fuller definition of the synod's composition was forthcoming in the statement that "Pastors, Doctors and sic as hes comissioun from particular Sessionnes of Congregationnes hes vott, except in matters of doctrin, wherin onlie they that labors in the Word may vott and judge".² Not only so, but in March 1594 the presbytery of St. Andrews had instructed the ministers of its constituent churches to "nominat commissionaris in thair awin sessionnes for the nixt synodall";³ in the following September it required its ministers "to adverteis the gentill men within the perische to be present on Twysday nixtocum at the provinciaill assemble";⁴ and when in 1600 the barons chose a commissioner to the assembly of their own accord, the presbytery felt called upon to require "this to be remembred that the baronis be adverteist in all tymis heirefter to be present at synodall assembleis to the intent the ancient forme of electioun of commissioneris may be kepit".⁵ Furthermore, it is also known that in St. Andrews itself, the body which elected commissioners to the synod was not the town council but in fact the kirk session, and all the commissioners so elected, as might be expected, were of course currently elders of the session.⁶ Indeed, on one occasion, fault was found with an elder precisely "becaus he suld pas to the Synodall Assemblie without

1. Ibid. v. 262.

2. Melville, Diary, 395.

3. MS. St. Andrews Presbytery Records, 21 March 1593/4.

4. Ibid. 19 September 1594.

5. Ibid. 6 March 1600.

6. R.St.A.K.S. ii. 590, 817, 856.

command of the sessioun".¹ All in all, from such a survey of the evidence, it would certainly seem that the provincial synod's essential composition was left basically unaffected by the proposals of the second Book of Discipline.

VI. The presbytery and the "presbyter"

But what of the presbytery? On the superficially straightforward question of whether the presbytery is mentioned in the book, historians are not of one mind. Opinions have varied from the authoritative comment that "the institution of the court of the Presbytery was the main achievement of the Second Book of Discipline"² to the no less authoritative statement that "there was no word of the presbytery" in the book.³ What can be said without fear of contradiction is that the word "presbytery", if not the institution, is mentioned on two occasions in the second Book of Discipline,⁴ but where difficulty does occur is over the usage of the terms "presbytery" and "eldership" without apparent distinction, and the problem is complicated by the fact that the Book of Discipline is known to have undergone some kind of revision at a date subsequent to its completion in 1578.⁵

There are perhaps four possibilities: first, the supposition that the regional presbytery is nowhere suggested in the book; or, alternatively, and in diametric opposition to this, is the view that

1. Ibid. ii. 817.

2. Janet MacGregor, The Scottish Presbyterian Polity, 118.

3. G. Donaldson, The Scottish Reformation, 203.

4. B.U.K. ii. 501, 505; Calderwood, iii. 543, 548.

5. See below, 328.

the presbytery was most assuredly envisaged by the authors of the book; or thirdly, in an attempt to reconcile the conflicting evidence, the hypothesis that the presbytery was not mentioned in the original drafting but added subsequently; or, yet again, the suggestion that the congregational eldership and the presbytery were not thoroughly differentiated but that it is nonetheless possible to discern the genesis of the regional presbytery. Were one to argue that the presbytery does not appear in the book, one might quote in support the statement of how, in addition to the general assembly, there were within a realm only "uther tua kynd of Assemblies",¹ an obvious allusion, it would appear, to the synod and kirk session. Similarly, the references in the book to a "common eldership", composed of several contiguous parishes,² may be said to imply no more than the general sessions which existed in many of the larger towns such as Edinburgh and Glasgow where the ministers and elders from the separate congregations convened together in a united or common session for the exercise of discipline.³ When the book speaks of how "eftir lauchfull proceding be the Elderschip" the minister may pronounce sentence of excommunication, this, it may be argued, relates

1. B.U.K. ii. 500; Calderwood, iii. 542.

2. B.U.K. ii. 508; Calderwood, iii. 551.

3. Whether the same device operated in rural areas where one minister often had the charge of several churches is less certain. The evidence from Anstruther Old Parochial Records (New Reg. Ho. OPR. 403/1) which contain the election of elders and deacons for Anstruther, Pittenweem and Kilrenny appears to be inconclusive. Where a church possessed a reader, it was certainly permissible for the reader to convene the session (S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fos. 36v., 37v., 66r. 6 December 1582, 13 December 1582, 30 May 1583; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: Kippen, 18 August 1586; Glendevon, 15 September 1586).

only to the kirk session; and the succeeding rubric relating to the conducting of marriage services "eftir lauchfull proceiding in the mater be the Elderschip" almost certainly signifies the local congregational consistory.¹ The same body would seem to be indicated in the passage which required elders to bring offenders, whom they were unable to correct privately, before the "assemble of the Elderschip",² and it is perhaps possible, too, to equate the "eldership" which was to give its judgment, along with the congregation's consent, at the election of a minister³ with the kirk session, since this was, and remained, one of its functions, though in a later passage the election of ministers would seem to be reserved to a body other than a consistory of a single congregation. But it is surely not possible to regard the kirk session as the agency for ordination which was to be by "impositioun of handis of the elderschip".⁴

It is not impossible that "eldership" is here merely a collective noun for elders, in whatever court they were present, rather than a specific designation of the kirk session. While within the context of English radicalism, with all its fissiparous tendencies, the elders of the congregational consistory may have sufficed for some as the instrument for ordination,⁵ in Scotland it would be really impossible to contend that the authors intended that a minister should be ordained by the elders of a congregation. There is a serious reference in the book to how the eldership should be composed of "mony Pastouris and Elderis", and it is in "this kynd

1. B.U.K. ii. 494; Calderwood, iii. 536.

2. B.U.K. ii. 497; Calderwood, iii. 538.

3. B.U.K. ii. 492; Calderwood, iii. 534.

4. B.U.K. ii. 493; Calderwood, iii. 534.

5. The Seconde Parte of a Register, i. 87; cf. A Second Admonition to the Parliament, in Puritan Manifestoes, 97; see also J.M. Ross, "The Elizabethan Elder", Journal of the Presbyterian Hist. Soc. of England, x. 130-1.

of Assemblie" that the power of electing office-bearers is invested.¹ Here, perhaps, is an indication of a functional distinction between the eldership of a single congregation and one composed of a number of pastors, doctors and elders from several adjoining churches. In other words, a distinction at this point can, perhaps, be perceived between the assemblies of "particular kirkis and congregationis, ane or ma".²

It is true, of course, that the assembly in 1586 described the functions of the presbytery in language almost identical to that which the second Book of Discipline employed in its treatment of "particulare Elderschippis",³ and this was again repeated in the act of 1592.⁴ Yet the fact that in later years the presbytery came to be described in language formerly employed to denote the eldership is not necessarily conclusive proof that the original framers had any firm ideas about the presbytery, and if they had then one might ask why they spoke only of two courts, other than the assembly, and why they failed so conspicuously in differentiating the presbytery from the kirk session. On the other hand, in 1597, when the king raised the question of the respective jurisdictions of the presbytery and kirk session, the church in reply held that the second Book of Discipline, together with the act of 1592, "answers heirto sufficientlie",⁵ which firmly suggests that contemporaries by that stage believed that the

1. B.U.K. ii. 499; Calderwood, iii. 541.

2. B.U.K. ii. 497; Calderwood, iii. 539.

3. B.U.K. ii. 665; Calderwood, iv. 567-8; compare with B.U.K. ii. 498-9; Calderwood, iii. 540-1.

4. A.P.S. iii. 541; B.U.K. iii. 808; Calderwood, v. 164.

5. Melville, Diary, 395; Calderwood, v. 589.

book had something to say on the subject of the presbytery. Yet even this statement requires interpretation and qualification, for, as already indicated, it was not till 1586 and by way of reiteration in the act of 1592 that the functions ascribed to the eldership in the second Book of Discipline were clearly differentiated and distributed between the by then separate courts of the presbytery and kirk session.

Archbishop Adamson, it is true, seems to have believed that the presbytery was indicated in the book, for in his observations on the polity recommended in the second Book of Discipline, he had spoken of how "there sould be erected a presbyterie consisting in the pastors and doctors, and suche other laick persons as by election may be associat within the same",¹ but Adamson was of course writing in 1583 at a time when presbyteries were already in operation. In the following century, David Calderwood had identified the "common assembly" of the second Book of Discipline with the presbytery,² and, elsewhere, he again interpreted the "particular eldership" as signifying the regional presbytery;³ but a strictly contemporary commentator on the second Book of Discipline nowhere referred to the presbytery, and in the section where the book subjected the bishop to the "particular eldership" that same observer spoke, not of the presbytery, but only rather vaguely of the "particular assembly".⁴ It was perhaps only with hindsight

1. Calderwood, iv. 51; Melville, Diary, 149.

2. Calderwood, An Answer to M.I. Forbes of Corse, His Peaceable Warning, (1638), sig. E.2 verso.

3. Calderwood, viii. 34.

4. N.L.S. Adv. MS. 29.2.8. fo. 129r. (Balcarres Papers).

that contemporaries became aware that some of the functions of the eldership depicted in the book could be assigned to the kirk session and others to the newly established presbytery.

Each of these two interpretations is not without its disadvantages. Neither is entirely satisfactory or convincing. Is it possible then that the presbytery was interposed in the text at some later stage? There are at least certain indications that the book was subjected to some degree of revision, the precise details of which remain obscure. The evidence comes from the presbytery of Dalkeith which in September 1590 had requested the clerk of the assembly to provide them with an extract of the book that it might be subscribed in accordance with an act of assembly. Copies of the book were available, but the extractor required 20/- before he would deliver a copy. The presbytery agreed "to provyd the silver ... to ressaif the book, pay for it and subscryve the sam".¹ Just over a year later, they had obviously obtained a copy, for in November 1591 the presbytery decreed that the book should "be red and eftir conference to be subscryvit".² Yet something must have happened to prevent the presbytery subscribing it, since in June 1592 the presbytery appointed a minister to speak to Ritchie, the clerk of the assembly, "willing him to recognos and correct of new agane our copy be collationing it with the last editioun of the buik of discipline".³

Since no copy of the book is known to have been printed before

1. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 24 September 1590.

2. Ibid. 11 November 1591.

3. Ibid. 15 June 1592; cf. 3 August 1592.

1621,¹ it is to be presumed that the copy which the presbytery received was in manuscript, and, indeed, the reference to an extractor would certainly seem to confirm this. The problem which remains is one of dating when precisely the book underwent revision. The reference to the "last edition" of the book may suggest that the book had been recently revised, and this, in turn, might also explain the statement of 1597; but it is surely inconceivable that no copy of this revised version is known to have survived. Not only is the text of the book which the neighbouring presbytery of Haddington had subscribed in September 1591² practically a verbatim copy of the version known as "Maister James Carmichael's Booke",³ which, it is to be presumed, Carmichael took to England in 1584; but the text of Carmichael's copy is itself essentially the same as that which appears in accounts of the proceedings of the assembly of 1581. If there was a revision, it is fair to assume that it occurred between 1578 when the book was completed and 1581 when it was inserted and engrossed among the acts of assembly. Such a deduction, however, would seem to dispel any supposition that the presbytery made its appearance as a result of the book's revision between 1578 and 1581. At any rate, it certainly fails to solve the mystery of why the presbytery remains so enigmatic and so ill-defined in the book as we know it.

It is no doubt significant that the presbytery made its first appearance in the acts of assembly only after the book's completion;

1. Cf. S.T.C. no. 22015.

2. The text of the Haddington version is preserved in Peterkin's single volume edition of the B.U.K. 537-564.

3. P.R.O. SP.52/29. 94. (State Papers, Scotland, Elizabeth, xxix.).

but here again it is perhaps problematical whether the presbytery came to be advocated as a direct result of the Book of Discipline's recommendations, or whether there were other, independent, influences at work. Neither Beza nor Glamis had anything concrete to say on the subject of the presbytery in their correspondence in 1576 which may well suggest that a clear conception of a court intermediate between the kirk session and synod still lay with the future. In his letter, Beza had spoken of the country "divided into regions" and "the regions into parishes, either of cities or country towns", and he had mentioned, too, how "in every parish the pastor may have with him fit men to assist him, who also may, being watchful salve up the offences not so weighty, leaving the other of greater importance to the whole eldership". At the same time, Beza also referred to an "eldership" consisting of "the pastors of parishes, both of city and country", together with "a sufficient number of men approved for their godliness and wisdom". Was this "company" an expanded general session; was it the presbytery, or simply the synod? However interpreted, the court envisaged was certainly no replica of the Venerable Company, composed solely of pastors and theology professors; and in his detailed description of the church's courts, Beza failed to enlarge upon this theme, for he stated quite explicitly that "these councils are either of a whole nation, or of some one region or province . . . divided into many seignories".¹ All that the Genevan seems to have been advocating was the establishment of three, and not four, church courts: a "general council" or assembly, the synod, and the "seignorie" or eldership.

1. See S.H.S. Miscellany, viii. 102-3, 106.

Yet, just two years after Beza's letter, the assembly had apparently enacted in October 1578 that bishops "usurp not the power of the Presbyteries".¹ It is doubtful, however, whether contemporaries at this stage had finally decided upon the institution of a fourth court, and it is by no means easy to make sense of this injunction or even to accept it at its face-value, since there were as yet no presbyteries established. In England, the term "presbytery" signified the congregational consistory,² the equivalent, that is, of the Scottish kirk session, but such an interpretation would be inapplicable here, since, in the preceding rubric, the assembly had also required that bishops "impyre not above the particular Elderschips, but be subject to the same".³ A comparison of the various accounts of the assembly's enactment does however reveal certain discrepancies in the text. Not only does one version use the term "presbyteries" in both rubrics,⁴ thereby adding to the confusion, but several other accounts read not that bishops "usurp not the power of presbyteries" but rather that they "usurp not the power of the pastors",⁵ which does make sense. There are, without

1. B.U.K. ii. 425; Calderwood, iii. 432.

2. E.g. Zurich Letters, i. 296, 299; B.M. Egerton MSS., 2598, fos. 244r.-245r. (C.S.P.Scot. x no. 337; Calderwood, v. 78-81); N.L.S. MS. 6.1.13. fo. 37r.; W.P.M. Kennedy, Elizabethan Episcopal Administration, iii. 348; cf. Whitgift, Works, iii. 226; Tracts ascribed to Richard Bancroft, 50-1.

3. B.U.K. ii. 425; Calderwood, iii. 432.

4. Spottiswoode, ii. 258.

5. N.L.S. Adv. MS. 17.1.8. fo. 108 (cf. Peterkin's edition of the B.U.K. 184); G.U.L. MS. General 1122, fo. 89v.; MS. General 1132, fo. 130. It should be noted that Adv. MS. 17.1.8. is a transcript of the acts of assembly made after 1616 and which later came into Wodrow's possession. The two copies in G.U.L. are also seventeenth century transcripts. An earlier copy

doubt, distinct signs of confusion in the various transcripts which survive relating to this act of assembly, and, indeed, it was not until July 1579 that the assembly finally decided that "the Exercise may be judgit a Presbyterie".¹

The evidence from Dalkeith presbytery may throw fresh light on the second Book of Discipline and on its apparent revision, but it does little or nothing to sustain the suggestion that the book was in fact altered between 1578 and 1581. Not only is there no positive confirmation of the book's revision at that point but the marginal comments of the conference in 1578 which appear in Spottiswoode's version of the book,² occurring as they do for almost every paragraph of the book, do seem to call in question, if not refute, any hypothesis that the book was revised at that date; and Calderwood, curiously enough, is at some pains to emphasise how "the eleventh chapter of the Book of Policie is not to be referred to this present year (1581), but to the time that the Policie was in forming; for many abuses mentioned therein were reasoned since and before this year".³

Footnote Contd...

compiled by James Carmichael in the 1590's does however correspond with the text in the Bannatyne and Maitland clubs' editions of the B.U.K. (A.U.L. MS. 227. fo. 79). A seventeenth century transcript belonging to the earl of Cromarty also reads "presbyteries" in the seventh article (S.R.O. CH1/1/2. fo. 107) as does a copy made by James Melville (E.U.L. MS. La.III.335). The contractions used for "pastors" and "presbyteries" are not dissimilar, and this may have contributed towards a misinterpretation of the text.

1. B.U.K. ii. 439; Calderwood, iii. 450.
2. Spottiswoode, ii. 233-56.
3. Calderwood, viii. 34.

One is therefore left with the fourth and perhaps most convincing interpretation that while there was no clear differentiation between the kirk session and the presbytery, the book can be regarded nevertheless as pointing the way towards the development of the presbytery. The vital passage which unquestionably connects the eldership of the second Book of Discipline with the genesis of the regional presbytery is to be found towards the end of the book, where the appointment of a number of individuals was recommended "to unite and deuide the parrochis, as necessitie and commodetie requiris".¹ These persons were to be commissioned by the assembly with the king's consent "to nominat and designe places, quher the Assembleis of particulare elderschippis suld convene, to tak consideratioun of the Dioceis as they wer dividet of auld, and of the estaitt of the cuntreis and provinces of the realme".² Side by side with parochial reorganisation came the development of elderships or presbyteries; and when all this was translated into practice in 1581 the regional presbytery had assuredly arrived.³ By April 1581, proposals had been drawn up illustrating "how Elderships may be constitute of a certaine number of parochines lyand togither, small parochines to be united and the great to be divydit".⁴ At the same time, the king

1. B.U.K. ii. 508; Calderwood, iii. 551.

2. Ibid. See also P.R.O. SP.52/29. 94. The following section of this paragraph is, however, omitted in N.L.S. Adv. MS. 17.1.8. fo. 147: "that were able to nominate and design the places where the particular elderships should convene, taking consideration of the dioceses as they were divided of old, and of the estate of the countries ...".

3. See below, chapter 9, 440ff.

4. B.U.K. ii. 477; Calderwood, iii. 516; cf. B.U.K. ii. 482-87; Calderwood, iii. 521-22.

himself had drawn attention not only to the need for defining "what every Presbitery sall cognosce upon",¹ but had also indicated to the assembly his willingness to require representatives from the nobility, gentry and ministry "within the bounds of every Elderschip to conveine, advyse and report thair advyce" on the union and division of churches.² This step in effect amounted to the creation of presbyteries. On 9 May the privy council had issued instructions for revising the diocesan and parochial boundaries "that thairefter presbitereis or elderschippis may be constitute".³ In each locality, a group of nobles, lairds and ministers were to meet and elect some of their number, who were, in language which strongly echoes that of the second Book of Discipline, "to considder and try the ancient and present estaites of all particular kirkis and parochinnis in thair boundis".⁴ Here was the prelude to the erection of the regional presbytery, and it would also be true to say that the development of the presbytery is directly attributable to the recommendations put forward in the twelfth chapter of the second Book of Discipline.

The "eldership", as a term, continued to be employed to denote both the kirk session and the presbytery. Knox had earlier equated the eldership with the kirk session,⁵ but even in the 1580's the kirk session of Elgin was described as "the assemblie of the elderschip of Elgin",⁶ and, concurrently, the newly created presbyteries,

1. B.U.K. ii. 477; Calderwood, iii. 517.

2. Ibid.

3. R.P.C. iii. 383; B.U.K. ii. 519.

4. R.P.C. iii. 383; B.U.K. ii. 520. See also Calderwood, iii. 776-80.

5. Knox, Works, ii. 152; History, ii. 278.

6. S.R.O. CH2/145/1. MS. Elgin Kirk Session Records.

somewhat confusingly, were also dubbed "elderships".¹ But behind this apparent confusion and inconsistency lay a deeper truth. To an age accustomed, if not addicted, to writing in Latin, the "presbytery" was nothing more than the Latin equivalent of the vernacular "eldership", which denoted a consistory or an assembly of presbyters or elders. Archibald Simson in his Latin history had thus translated the title of the seventh chapter of the second Book of Discipline, "off eldarschippis and assembleis, and of discipline", as "presbyteriis, synodis et disciplina"; and the passage where "eldarschippis or assembleis ar constitute commounlie of pastouris, doctouris, and sic as commounlie we call eldaris that labour not in the woorde and doctrene" is likewise translated by Simson as "presbyteria constant ministris, doctoribus, senioribus qui non Laborant in verbo".² The second Book of Discipline itself had used the terms "eldership" and "presbytery" as if they were interchangeable, and had even described the assembly as the "general eldership".³ The courts of the church could all be regarded, in a sense, as manifestations of the scriptural "presbuterion" or "presbyterium",⁴ which, it has been observed,⁵ was

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1. B.U.K. ii. 487, 534, 537-8, 546; cf. 551-2, 564, 567; Calderwood, iii. 523, 526, 580, 591; cf. 613, 615, 616; iv. 414; R.P.C. iii. 383 (B.U.K. ii. 519), 476-7; iv. 263; Wodrow Society Miscellany, i. 403, 529, 537; MS. Stirling Presbytery Records, 8 August 1581; S.R.O. CH2/185/1. MS. Haddington Presbytery Records, fo. 16r. 6 November 1588; S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fos. 83v., 85r., 90r., 98r., 100v; N.L.S. Adv. MS. 6.1.13. ffs. 39r.-40v.
 2. N.L.S. Wodrow MSS. Quarto vol. xiii. no. 1. fo. 16r.-v.
 3. B.U.K. ii. 500; Calderwood, iii. 542.
 4. Cf. N.L.S. Adv. MS. 6.1.13. fo. 40v.
 5. A.F. Mitchell, The Scottish Reformation, 231-2; G.D. Henderson, Presbyterianism, 94.

translated in the Genevan Bible as "eldership" and in the Authorised Version as "presbytery". Certainly, the only distinction which the second Book of Discipline was prepared to make between elderships was the differentiation which existed between elderships of single congregations and those composed of several adjoining churches. Only the latter, "being weill erectit",¹ were to take the principal part in electing ministers, and, presumably, in ordaining them; while in another section in juxtaposition to a condemnation of the bishop's right to conduct visitations came the affirmation that these powers properly belonged to the "presbyterie".²

Whereas one is apt to think of the kirk session and presbytery as two distinct institutions, the authors of the book may rather have considered them as two groupings or aspects of the same court, the "presbyterium" or eldership, the one consisting of a smaller, the other of a larger, meeting of ministers and elders. Indeed, the establishment of the larger or common elderships was justified on the model and "practise of the primitive Kirk, quher Elderis, or Collegis of Seniouris, wer constitute in citeis and famous places".³ The idea of elderships in every congregation was discounted in favour of common elderships erected "onlie in the townis and famous places quhair resorte of men of judgement and habilitie to that office may be had".⁴ The reasoning here may possibly have been similar to that employed earlier in instituting the superintendent's or commissioner's

1. B.U.K. ii. 499; cf. 505; Calderwood, iii. 541; cf. 548.

2. B.U.K. ii. 505; Calderwood, iii. 548.

3. B.U.K. ii. 498; Calderwood, iii. 540.

4. B.U.K. ii. 508; Calderwood, iii. 551.

court in the principal town of the province. At any rate, by the late 1570's, it appears that in Edinburgh the general session and commissioner's court together with the weekly meetings for the exercise of scripture, had become absorbed and fused into one indistinguishable body.¹ In the general sessions of the larger towns there was something of a precedent for the development of presbyteries, and there was undoubtedly a definite need for a unit larger than the single kirk session, where ministers and elders of several parishes could confer and deliberate together on administrative and disciplinary matters, yet smaller than the twice-yearly provincial synods which were not only infrequent in their meetings but also involved a good deal of tedious travelling. The answer lay in transforming the exercise into the presbytery. Indeed, well before Melville's return, the exercise had already developed into something rather more than merely a meeting for interpreting scripture.

As early as March 1572/3, the synod of Lothian had successfully petitioned the assembly that copies of the acts of assemblies be distributed to every exercise, that "sick matters as falls out betwixt the Synodall Conventiouns and Generall Assemblies salbe headed and notit at every Exercise, 20 dayes befor the Generall Assemblie", that at the exercise "the brethren have their places in voting, and that no brethren be defrauded thereof, that the weighty matters of the Kirk be not concluded be a few, as often times they are without knowledge or consent of the brethren".² Similarly, in 1576, in the articles relating to the visitor's office, the assembly had

1. Wodrow Society Miscellany, i. 407.

2. B.U.K. i. 265; Calderwood, iii. 279.

expressly required that in urgent cases involving the suspension of a minister the visitor "may convene them that are upon the exercise in that Province" to judge the matter instead of bringing it before the synod; and the same assembly, which proceeded to enact that candidates, receiving presentations to benefices, should be approved by the visitor and synod, also provided that candidates who were already ministers should receive their authorisation from the visitor "with the advice of the Ministers of the Exercise within that Province".¹ In 1578, the "Brethren of the Exercyiss of Edinburgh beand convenit with the Commissionar of Lowthiane" appointed two ministers at the request and "earnest suitt of the Lordis Laitlie departit out of this Toun" to attend upon them and be "preichers of peace to all partteis";² and in 1579, immediately before the decision was taken to transform the exercise into the presbytery, the assembly had also charged a commissioner "with the assistance of the brethren of his Exercise" to execute the assembly's injunctions in a case of non-residence.³

The decision taken in July 1579 that "the exercise may be judgit a presbyterie"⁴ was little more than a recognition of the valuable administrative, judicial and disciplinary functions which the exercise had for long discharged. It is probably of some significance, too, that the petition in July 1579 calling for "a general order to be taken for erecting of Presbyteries in places

1. B.U.K. i. 357; Calderwood, iii. 364-5.

2. Wodrow Society Miscellany, i. 407-8.

3. B.U.K. ii. 430.

4. B.U.K. ii. 439; Calderwood, iii. 450.

quher publick Exercise is used, unto the tyme the Policie of the Kirk be established be law"¹ came not from Melville's synod of Fife, but from the synod of Lothian, which as early as March 1572/3 had successfully sought to endow the exercise with certain administrative duties.

By October 1580, the assembly had commissioned the "brethren of the Exercise of Edinburgh" to call before them a number of offenders including the bishop of Orkney.² In December 1581, the kirk session of St. Andrews was involved in consultations over disciplinary matters "with the generale ministrie convenit at the exerceis",³ and in January 1581/2 moral offenders were again being dealt with by "the generall assemblie of the kirk of St. Andrews convenit to the exerceis",⁴ which, in effect, was the presbytery of St. Andrews. In Linlithgow, the principal reason given for the failure to erect a presbytery in 1581 was that there had been no exercise in that town for many years, which illustrates how closely the exercise was intended to merge with the presbytery, and is indicative of the difficulties encountered in towns where there was no regular exercise. So imperceptible was the transition from the exercise to the presbytery - which really entailed a change of name rather than a change of functions - that the "brethren of Dunblane" on being asked to attend Stirling presbytery protested in September 1581 that "we haif a presbyterii of our awin erectit of a lang tyme past in Dunblane be the ordur approvit be the generall kirk affair

1. Ibid.

2. B.U.K. ii. 465, 466-7, 468; Calderwood, iii. 474.

3. R.St.A.K.S. i. 464.

4. Ibid.

our visitor standand undischargit, our assembleis and conventionis mentenid, our exerceis haldin and keipit and the matteris of our kirk intreattid".¹ This, of course, was an allusion not to the presbytery but to the administrative and disciplinary functions conducted by the exercise as a result of the visitor's articles of 1576.

The essence of presbyterianism as a system of church government, it may be said, lay in the "presbutterion", the eldership or presbytery, consisting of a senate or consistory of presbyters, which within a nation was capable of extension into a full system of synodical or conciliar government. It was only a historical accident peculiar to Scotland and England that the presbytery or classis attained an importance otherwise undeserved had different conditions prevailed. It was only because of its strategic position, as a court intermediate between the kirk session and the synod, that the presbytery became endowed with a jurisdiction which comprehended some of the powers which in an episcopal system were exercised by bishops.

The eldership, it might be said, was not incompatible with episcopacy, but if this argument is carried to its logical conclusion the same might be said of the presbytery as well, for to contemporaries in the early seventeenth century the idea of the "bishop in presbytery" was by no means an unfamiliar, if possibly an uncongenial,

1. MS. Stirling Presbytery Records, 12 September 1581.

compromise. But generally in countries where the church was episcopally governed, it was not the episcopal party¹ but their opponents who sought to erect the eldership, that distinctive platform of reformed discipline, and it was only in Scotland where a reduced episcopacy was superimposed upon what might be regarded as the essentially presbyterian structure of the church's courts that a compromise between these two otherwise irreconcilable systems was temporarily achieved.

"The principle of episkope", it has been stated,² "originates with the bishop ... and descends through permanent moderators, from the highest to the lowest in the Church". Yet the polity of the Scottish church in the post-reformation era would confound and defy most definitions, for while the superintendent or commissioner had been the permanent moderator of the synod, the principle of parity was firmly built into the structure of the general assembly, as the highest court, with the appointment of a moderator, elected by the

1. Adamson and Montgomery, the two Scottish archbishops, had maintained that the eldership had no scriptural foundation (B.U.K. ii. 534; Calderwood, iii. 580; iv. 54; Melville, Diary, 152). In England, Hooker complained of "lay-elders" and of attempts "to advance the new fancied sceptre of lay presbyterial power", (Laws of Ecclesiastical Polity, VI. i. 3-4) while bishop Bilson found no support for "lay elders" in the example of the primitive church, (Perpetual Government, 157). Whitgift had regarded the "presbyterium" as a "college or company of priests and ministers", (Works, iii. 538) and the elder, senior or presbyter as but synonyms for "episcopus, or minister, or pastor", (ibid. 151) though, with a certain inconsistency, he had also maintained that in an established church "in the place of elders or seniors are come christian princes and magistrates", (ibid. i. 472) and Bancroft had similarly held that the introduction of an eldership in the church would be tantamount to supplanting the authority of the civil magistrate in ecclesiastical affairs, (Tracts ascribed to Richard Bancroft, 105, 107).

2. P. Collinson, The Elizabethan Puritan Movement, 179.

assembly as a whole, for the duration of its meeting.¹ The institution of the moderator's office does seem to have derived its immediate existence from the Genevan² and French³ churches. The first Book of Discipline, following Knox's Genevan Forme of Prayers,⁴ had itself alluded to the appointment of moderators of the exercise,⁵ and while the term was not unknown within the context of university disputation, it would seem that "praeses" was the more common term in at least St. Andrews university, though Melville himself appears to have favoured "moderator".⁶

With the second Book of Discipline had come a renewed approval and justification for the appointment of moderators.⁷ No change of procedure was required in the general assembly, though in the synod the institution of a circulating office, as observed in the assembly, superseded the appointment of the superintendent or commissioner as permanent moderator.⁸ The presbytery, on the other hand, did not choose a fresh moderator at each weekly meeting but appointed a moderator for a half-yearly term at the first presbytery meeting

1. See above, 147.

2. H. Heyer, L'Eglise de Geneve, 18-19.

3. M.G. Campbell, ed. Discipline or Book of Order of the Reformed Churches of France, 26-7; Quick, Synodicon, i. 2.

4. Knox, Works, iv. 179.

5. Ibid. ii. 244; History, ii. 316.

6. See the series of theses theologicae in R.G. Cant, "The St. Andrews University Theses, 1579-1747. A Bibliographical Introduction", 105-50, and "Supplement to the St. Andrews University Theses", 265-72, in Transactions of the Edinburgh Bibliographical Society, ii. (1938-45).

7. See above, 270-271.

8. S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, fos. 1r., 11r., 17r., 21r., 26r., 32r., etc.

after the provincial synod.¹ On at least one occasion, however, it was apparently the synod, and not the presbytery, which nominated the moderator of Aberdeen presbytery,² while in Edinburgh the presbytery frequently found it necessary to appoint interim moderators during the absence of the moderator.³ In kirk sessions, however, it was of course the minister who acted as constant moderator, and in general sessions where more than one minister were present, the office was held in rotation;⁴ while in Ayr, during the enforced absence of the minister, John Welsh, who had incurred the king's displeasure, the kirk session had appointed one of the elders to act as moderator.⁵

The appointment of a moderator, first instituted in the general assembly in 1563, respected the equality of its members, while guarding against dissension, on the one hand, and any tendency towards imparity or government by a select few, on the other. In an

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1. B.U.K. ii. 567; Calderwood, iii. 616; MS. Stirling Presbytery Records, 8 August 1581; S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fo. 28r. 25 October 1582; CH2/185/1. MS. Haddington Presbytery Records, fo. 4v. 11 October [1587]; CH2/121/1. MS. Edinburgh Presbytery Records, 19 April 1586; cf. CH2/295/1. MS. Peebles Presbytery Records, 14 April 1597; MS. St. Andrews Presbytery Records, 13 October [1586], 15 April 1590.
 2. See S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 20 April 1599.
 3. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 28 June 1586, 5 July 1586, 12 July 1586, etc.
 4. G.C.A. MS. Glasgow Presbytery Records, fo. 5r. 13 March 1592/3: "The presbiterie ordenis that heirefter quarterlie everie ane of the said ministeris sall use the office of the moderator per vices"; cf. ibid. fo. 63v. 6 January 1595/6, where it was enacted that the above act should be enforced. Wodrow, however, who had access to Glasgow kirk session records, has recorded that he found no mention of a moderator in the records till 26 October 1598, when a moderator was elected for half a year. (G.U.L. Wodrow's MS. Biographies, vol. 3. Life of David Wemyss, fo. 29).
 5. MS. Ayr Kirk Session Records, fo. 120v. 21 March 1608.

assembly, so organised, superiority in order could not be conceded. Indeed, the election of a moderator on a temporary and rotating basis might be said to be generally inconsistent with what is normally regarded as episcopal government; and closely related to the theory behind the election of a presiding minister, it would seem, was the idea of the "presbyter".

The term "presbyter" doubtless makes its first appearance in the second Book of Discipline where it is mentioned twice,¹ and one commentator has recorded how, apart from its occurrence in that document, he has "looked in vain" for the word in the acts of assembly and in the diary of James Melville.² While "presbyter" may not have been in wide circulation, its usage was by no means confined to the second Book of Discipline. Its appearance in that work emphatically cannot be regarded as unique, for it is known to have been employed by contemporaries in a variety of contexts. It certainly appears, for example, in at least one passage in James Melville's diary, where doctors in 1597 are described as "sym-presbyters";³ and it also found expression in a document which is known to have come before the general assembly for determination, and though no longer available in the depleted acts of assembly, the text is nonetheless preserved among the records of St. Andrews presbytery. At a meeting of the synod of Fife in St. Andrews, in October 1586, Andrew Hunter "in the name of the ministeris, doctoris and lauchfull eldaris and speciallie of the presbitry of Sanctandrous" had enquired

1. B.U.K. ii. 491, 493; Calderwood, iii. 533, 535.

2. J.H.S. Burleigh, "The Presbyter in Presbyterianism", Scottish Journal of Theology, ii. (1949).

3. Melville, Diary, 395.

whether or not philosophy regents had any inherent right to vote as "presbiteris" at presbytery meetings without ever having been called or elected to such an office. The issue was remitted for deliberation to the general assembly which had resolved in June 1587 that the regents of philosophy could not be regarded as presbyters since they had not been ordinarily called.¹ Again, in July 1597, commissioners from the king and general assembly had requested the presbytery of St. Andrews to accept George Gladstones as minister of St. Andrews and as a "sym-presbyter" with them on the presbytery;² and in Glasgow presbytery, too, in 1595, in a case involving members of the kirk session who were also members of the presbytery, it was decided that those presbytery members who sat on the session were present "in the place of the judgement of the presbiterie as presbiteris and not sessioneris in respect that nane of the sessioneris of Glasgw are summonit to this daye".³

The "presbyter", it would seem, was used as a descriptive and distinctive term for members of the presbytery. This is forcibly illustrated in the last example where "presbyter" appears in contradistinction to "sessioner". In both Scotland and England, "senior" had been the more common Latin term to describe the elder proper, but generally speaking "senior" was regarded as an exclusive term for the elder who rules, while "presbyter" was inclusive of both minister

1. MS. St. Andrews Presbytery Records, 23 April 1590, containing an extract of an act of synod dated 7 October 1586, and an extract of an act of assembly dated 23 June 1587.

2. Ibid. 15 July 1597.

3. G.C.A. MS. Glasgow Presbytery Records, fo. 47. 8 April 1595.

and elder. Cartwright in England, in at least one passage, had illustrated how "those again that be called presbyteri, which we term elders of the church and have to do with the whole church, are either those which teach and preach the Word of God and govern too or else which govern only and do not teach or preach. Of the first kind are pastors and doctors; of the second are those which are called by the common name of elders and ancients".¹ The word "presbyter" had therefore its own advantages in describing members of the presbytery, since it embraced both ministers and elders; and if the presbytery, by definition an assembly of presbyters, takes its title from the presbyter then so too must "presbyterianism" be ultimately derived from "presbyter" and not solely from "presbytery".²

Taken as a whole, the first ten chapters of the book may be regarded as a systematic exposition of the church and its jurisdiction, of its relationship with the state and of its office-bearers and assemblies. The remaining three chapters, apparently more haphazard in their composition, took the form of an inventory of the remaining defects and abuses in the church which required a thorough reformation. In particular, the continued existence of cathedral and diocesan

1. J.M. Ross, "The Elizabethan Elder", op. cit. 64.

2. The term "presbyterianism" appears to have been unknown in sixteenth century Scotland. In England, Bancroft had spoken of "Presbiterie men", (Tracts ascribed to Richard Bancroft, 74) but an early usage of the term "presbiterians" does occur in the first decade of the seventeenth century in an undated letter written by the archdeacon of Newcastle, when referring to the Melvillians, (S.R.O. GD1/371/1. Warrender Papers, vol. A. fo. 5r.) and archbishop Gladstones in 1611 likewise spoke of "the Presbiterian discipline", (O.L. i. 269).

dignitaries with styles which conveyed a legal connotation, though no longer descriptive of any ecclesiastical office, came under especial condemnation as a "plane abusoun".¹ To allow such men to possess "papisticall titles of benefices" - men who had "na functioun in the reformat Kirk of Chryst" - was "not to ressave the Kingdome of Chryst amongis us, bot rather to refuse it"; and it was deemed altogether intolerable that these "abusearis of the patrimony of the Kirk of Christ" should have vote in parliament and council in name of the reformed church.² The benefices, instead, ought to be separated and divided, and thereafter bestowed upon qualified ministers; and the trend to secularisation and alienation of church lands through feus and tacks ought to be reversed that the church's patrimony might be restored again to its "formare and auld libertie".³ It was of course on this very subject that the first Book of Discipline had foundered, and it was again this same issue which, according to Calderwood, had constituted the "chief impediment" to the second Book of Discipline's ratification by parliament.⁴ Elsewhere the book had suggested that the benefice should consist of "no thing els bot the stipend of the minister that is lauchfullie callit and electit",⁵ which might seem inconsistent with the claim that it was

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1. B.U.K. ii. 504; Calderwood, iii. 546. Dissatisfaction with such styles, reminiscent of the Roman hierarchy, was nothing new. (See above; see also the second Helvetic Confession, which the Scots had subscribed, Schaff, op. cit. iii. 280; Owen Jones, op. cit. 150).
 2. B.U.K. ii. 504; Calderwood, iii. 546-7.
 3. B.U.K. ii. 510; Calderwood, iii. 533.
 4. Calderwood, viii. 34.
 5. B.U.K. ii. 493; Calderwood, iii. 534.

the deacon's responsibility to collect all the revenues of the church, unless the supposition was that the deacons would collect the revenues from the benefice on the minister's behalf. Besides this, however, there are definite signs of confusion. Some passages of the book seem to favour subverting the benefices by dividing all the patrimony and distributing it, at the hands of the deacons, to the ministry, schoolmasters and office-bearers, and to the poor, the sick and the needy.¹ To use any of the patrimony for other purposes, it was affirmed, was "ane detestable sacralege befoir God",² but this apparently did not preclude the possibility that the surplus revenues which the church did not require might be placed at the disposal of the prince and commonwealth³ - something to which Erskine of Dun had consented in 1571.⁴ Another section of the book, however, seems prepared to accept the system of benefices, and the argument advanced was that the benefices ought not to be disposed to those who "leid and leve ane idle life" but should go instead to "sic as ar qualefiit to teache Goddis Woorde, haifand thair lauchfull admissioun of the Kirk".⁵ A qualified approval was even given to the Leith agreement, if correctly interpreted and operated in the church's interest,⁶ though in yet another passage the dissolution of the prelacies is indicated in the requirement that churches which were "unitit and jonit togidder be annexatioun to thir benefices aucht to be separated

1. B.U.K. ii. 502, 509-10; Calderwood, iii. 544, 552-3.

2. B.U.K. ii. 502; Calderwood, iii. 544.

3. B.U.K. ii. 512; Calderwood, iii. 555.

4. Calderwood, iii. 159; Bannatyne, Memoriales, 200-1.

5. B.U.K. ii. 505; Calderwood, iii. 547.

6. Ibid.

and dividit, and gevin to qualefiit ministeris, as Goddis Word cravis".¹

The authors, all along, were doubtless well aware of the difference which existed between what they wished to attain and what they knew they could attain. Any other solution based on the dissolution of the benefices would not only have incurred the opposition of the crown and nobility but would probably have imposed an undue strain on the administrative capabilities of that society, and would in the process have required something of a social revolution to effect it. To all but the most visionary, it must have been obvious that the benefice system, and the patronage which went with it, was there to stay.

VII. The Book's Subscription

The second Book of Discipline met a fate similar to that of the first. It failed to obtain government recognition. The assembly's expectation had been that parliament would endorse and ratify the book.² Parliament, however, proved less accommodating. Meeting in July 1578, and finding many of the book's proposals "of great wecht and consequence", it had merely established a commission to look into the matter and to compare the polity advocated in the Book of Discipline with the earlier constitution embodied in the Leith articles of 1572.³ At the same time, the political climate had also shown signs of change, for just after the book had finally been

1. B.U.K. ii. 504; Calderwood, iii. 547.

2. E.g. B.U.K. ii. 408, 410, 419; Calderwood, iii. 399, 402, 415.

3. A.P.S. iii. 105-106, c. 19.

presented to the regent, came news that the "alteration of the Authoritie hes interveinit",¹ and with the decline in Morton's fortunes, whose protestantism had never for a moment been suspect, had come the rise of Esme Stewart, whose religious disposition was decidedly less assured.

The king's conference in 1578 had remained largely non-committal in its attitude towards the Book of Discipline. Many of the significant topics had simply been "referred" for further debate.² The policy pursued by the new government was, however, more intransigent. Though the king had given some approval to the creation of presbyteries, there could be no mistaking the Lennox regime's intentions on the question of episcopacy. Far from capitulating to the assembly's condemnation of the office of bishop, the government actually nominated Montgomery to the archbishopric, whereupon the church had proceeded to excommunicate Montgomery for his acceptance of the see.³ In this embittered atmosphere, there could be little hope of any reconciliation between the divergent policies of kirk and crown.

Repeated supplications from the assembly to the king for approval of the Book of Discipline failed to secure any meaningful response. In July 1579 the king required the assembly to proceed no further in the matter but rather to "let it so rest" until parliament decided the future of the church's polity.⁴ In October 1579 when parliament did

1. B.U.K. ii. 404-5; Calderwood, iii. 399.

2. Spottiswoode, ii. 233-56.

3. Cf. B.U.K. ii. 528-9, 538, 542, 546-7, 557-60, 573-5; Calderwood, iii. 577, 595-606, 619-21.

4. B.U.K. ii. 428; Calderwood, iii. 443-4.

meet, all that was forthcoming was a recognition of the church's jurisdiction in the ministry of the word and sacraments, and in discipline, and any further conclusions on the church's constitution were again made the subject of yet another commission.¹

Thrown in on itself once more, the church was forced to go it alone. In April 1581, the assembly took the significant step of registering the Book of Discipline in the acts of assembly, requiring copies of the work to be distributed among the presbyteries.² The sudden overthrow of the Lennox administration by the Ruthven raiders in 1582 brought with it a government decidedly more sympathetic to the presbyterian campaign and willing, too, to concede to the church a large measure of autonomy.³ Yet the Ruthven raiders found themselves in power only for some ten months and during that period they were, understandably, more concerned with placating the king whom they had captured rather than granting that parliamentary ratification of the Book of Discipline which the assembly craved.

The ensuing Arran regime, bent on moulding the church's government after the English fashion, resulted not in any government approval for the programme of the second Book of Discipline, but in the flight of the presbyterian ministers and their political allies across the border to seek sanctuary in England. Even after the return of the exiled lords and ministers, and the establishment of a coalition government, attempts at reaching a settled polity took the form not of implementing the full-blooded Melvillian proposals but rather of reaching some sort of compromise between presbytery and

1. A.P.S. iii. 137-8, c.7.

2. B.U.K. ii. 488; Calderwood, iii. 526.

3. Cf. Calderwood, iii. 651-665.

episcopacy along the lines of the "bishop in presbytery".¹ When political recognition of the presbyterian ideal did come, it came not from the ultra-protestant party but unexpectedly from the rather conservative-minded Maitland of Thirlestane, a man who had served in Arran's government and who had even opposed the immediate return of the exiled ministers,² but a man who had also come to realise the necessity for king and kirk to stand together.³

It would doubtless be something of an exaggeration to claim that the act of 1592 which ratified the church's presbyterian constitution fully endorsed the second Book of Discipline. Yet its significance should not be underrated, for it went farther in that direction than any previous piece of legislation, and much that was basic to the Book of Discipline received confirmation. At the same time, it remains true that the act represented "little more than a recognition of a fait accompli".⁴ It was simply legalising that which already prevailed in practice.⁵ The church by then was fully committed to the presbyterian cause, and on the eve of the so-called "golden act", the assembly had pressed forward in August 1590, and again in July 1591, with plans for the formal ratification of the second Book of Discipline at presbytery level.⁶

"Ffor executione of the act of the generall assemblie made anent subscribing the buik of Polecie", Stirling presbytery had

1. Calderwood, iv. 491-4.

2. Cf. Maurice Lee, John Maitland of Thirlestane and the Foundations of the Stewart Despotism in Scotland, 82.

3. Melville, Diary, 271, 298, 329-30.

4. G. Donaldson, The Scottish Reformation, 219.

5. See below, 484-496.

6. B.U.K. ii. 773, 780; Calderwood, v. 107-8, 135.

decided in November 1590 "to send to the clark of the generall assemblie for ane of the saidis buikis subscryvit be him that may be auttentik to the end the samin may be subscryvit according to the said act".¹ This was a step which Dalkeith presbytery had taken in the preceding month;² but in Andrew Melville's own presbytery of St. Andrews, difficulties had apparently arisen concerning its subscription, for although "the moderator of the presbitrie as of befoir hes this day proponit and desyrit the Buik of Polecie to be subscryvit be the brethering according to the act of the generall assemblie", the members of the presbytery who "tuik avys xx dayis quhilk now ar expyrit" had nevertheless reported that they "as yitt findis thame selfis not resolvit in all poyntis".³

In October 1590, the synod of Lothian had required the moderators of presbyteries, in accordance with the act of assembly, to present to their presbyteries copies of the Book of Discipline for subscription.⁴ By April 1591, however, the majority of presbyteries within that province had evidently copies of the book in their possession, for the only presbytery censured by the synod for failing to obtain a copy was that of Linlithgow.⁵ In August 1591, Edinburgh presbytery had announced its decision to subscribe the book,⁶ though by October it had still to fulfil its intentions.⁷

1. MS. Stirling Presbytery Records, 3 November 1590.

2. See above, 328.

3. MS. St. Andrews Presbytery Records, 25 August 1591.

4. S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, fo. 22r. 7 October 1590.

5. Ibid. fo. 27v. 6 April 1591.

6. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 10 August 1591.

7. S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, fo. 34v. 1 October 1591.

Haddington presbytery, on the other hand, had given its subscription in September;¹ and by October Dunbar, Haddington, Linlithgow and Dalkeith had all reported to the synod their formal ratification of the second Book of Discipline.² Only Peebles presbytery, together with Edinburgh, had still to sign the document.³

The presbyteries' subscription to the Book of Discipline and parliament's authorisation of a presbyterian polity had each confirmed the fulfilment and fruition of "the work of establishing a perfyte ordour and policie in the Kirk".⁴

Note:

Many versions of the second Book of Discipline are known to exist both in print and in manuscript, not least among the numerous transcripts of the acts of assembly. Of these, the following have been selected for examination: B.U.K., Calderwood, Spottiswoode, Melville, Diary, Peterkin's B.U.K. (Haddington MS.), P.R.O. SP/59. 94. (containing two copies - the second defective - of "Maister James Carmichel's Booke"), N.L.S. Adv. MS. 17.1.8. fos. 132-139, S.R.O. CH1/1/2 (Cromarty transcripts). A Latin version of the book also appears in N.L.S. Wodrow MSS Quarto vol. xiii. no. i. fos. 12v-20r. Collation of the various texts, while revealing occasional discrepancies, shows no material variation in the substance of the text.

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1. Wodrow Society Miscellany, i. 403; Peterkin's edition of the B.U.K. 564.
 2. S.R.O. CH2/252/1. MS. Records of the Synod of Lothian and Tweeddale, fos. 33r., 33v., 36r. 1-6 October 1591. Dalkeith presbytery's subscription in October 1591 ought also to be read along with the continuing difficulties which that presbytery apparently experienced in obtaining an authentic text of the latest edition of the book - see above.
 3. Ibid. fo. 34v. 1 October 1591.
 4. B.U.K. i. 390; Calderwood, iii. 384.

Chapter 8

WHO WERE THE MELVILLIANS?

"We will acknowledge na Prince, na magistrat in teaching of the Word, nor be bund to na injunc-tionis, nor obey na Actes of Parliament, nor na uther thing that is repugnant to the Word of God. Bot will do as Peter and Johnne said, better obey God nor man."

(John Howieson, Sermon, 8 July 1584; C.S.P. Scot. vii. no. 210.)

"Melvillianism" without Melville is no doubt a contradiction in terms, yet it remains true that practically every aspect of the programme associated with Melville's name had made its appearance or had come to be advocated prior to Melville's return. The theory of the two kingdoms, the rejection of royal supremacy in matters ecclesiastical, the insistence on the general assembly's continued existence irrespective of the sovereign's religion, the subtle changes in its composition, the acceptance of parity at national level implicit in the institution of the moderator's office, together with Adamson's vindication and identification of the minister alone as the truly godly bishop - all this, and more, had been reaffirmed and restated in no uncertain manner by leaders of the Knoxian church.¹ None of these principles can be said to have been introduced by Andrew Melville. Too much credit has sometimes been given to Melville for supposedly introducing these ideas when in reality it was in the church of his predecessors, the church of John Knox, that they had first found expression. Melville's influence lay rather in his ability to articulate and to apply those earlier tenets of reformed

1. See above, 54ff., 74ff., 114, 147, 208-9.

thought which, had royal policy prevailed, would soon have been whittled away or rendered meaningless. What Melville really seems to have done was simply to absorb and borrow these already familiar Calvinist tenets and to utilise them anew at a time when the crown was actively engaged in a concerted attempt to regain and recover for itself that control and directive in ecclesiastical affairs which it assuredly had lost at the reformation.

Under Melville's leadership, the system bequeathed by his predecessors expanded and matured. The polarisation between church and state became perhaps more rigid, as attitudes became more clearly defined: there was, on the one hand, the king's attempt to become an absolute monarch, to emulate Henry VIII or Elizabeth of England, to become both prince and pope alike,¹ ruling all estates both spiritual and temporal, and, on the other hand, the church's efforts under Melville's leadership to retain its traditional freedom, its hard won sovereignty and its accustomed forms of government.

If, as had been demonstrated, most of Melville's thought was inherited from earlier reformers, is it then meaningful to speak of a Melvillian movement? It would certainly be true to say that by the 1580's there was more than one viewpoint on the future of the church's polity and whilst no one was then conscious of being either a presbyterian or an episcopalian, nevertheless there was the programme of Melville and the second Book of Discipline, and there was also the royal and archi-episcopal challenge in the persons of James VI and Patrick Adamson. Yet apart from the odd discontented or

1. Cf. Zurich Letters, ii. 149. By 1620 archbishop Spottiswoode could finally exclaim "the King is Pope now": Calderwood, vi. 421.

frustrated bishop, there can be little doubt that Melville's thinking attracted widespread support from the first reformers, the men of 1560. This of course is only to be expected in view of the overwhelming preponderance of earlier reformers involved in the preparation of the second Book of Discipline. Apart from Adamson, a voice in the wilderness, there was definitely no sustained or organised opposition to the book from within the church. Not only so, but evidence for the continuing support of prominent men, earlier involved in constructing the Knoxian church, is abundant.

Erksine of Dun, David Ferguson and William Christieson were three of the veterans of 1560, who, apart from their contribution to the book, were also associated in June 1582 with the "Greives of the Kirk" which re-emphasised the separation of the two kingdoms.¹ Indeed, during the Arran regime when episcopal government was restored and anything which savoured of Melvillianism was discouraged or even proscribed, Erskine of Dun not only used what influence he might possess to plead for the church's time-honoured right to hold its own assemblies² but had also gone so far as to predict that, unless the king put an end to his violent course against the church, he would be the last of his name to reign in Scotland.³ This was strong stuff from one who has been regarded as a conservative Lutheran. It is also true that the William Christieson, another minister who had earlier come under Scandinavian influence, likewise

1. B.U.K. ii. 581-4; Calderwood, iii. 627-31.

2. H.M.C. 5th Report, App. 636; cf. Spalding Club Miscellany, iv. 69.

3. C.S.P. Scot. vi. no. 721.

supported the Melvillian establishment by acting as assessor to the moderator on numerous occasions during the presbyterian ascendancy.¹ As an assessor, Christieson possessed a considerable say in determining the assembly's agenda, and it is not without significance that he was elected one of the moderator's assessors in the assembly of July 1580 which then proceeded to an outright condemnation of diocesan episcopacy,² and in that of April 1581 which repeated that "the whole office of a Bishop, as it is used, is damnable".³ A recent commentator has thus found it "remarkable that a man who seems to have shared wholeheartedly in Melville's struggle against James VI and the episcopalians had had his education in the 'Erastian' Lutheran countries".⁴

The career of David Ferguson, who had been minister of Dunfermline since 1560, also reveals a continuing and lasting commitment to the Melvillian movement. As moderator in the assembly of October 1578, Ferguson had argued with the archbishop of Glasgow over "the corruptions of the episcopal estate to be reformed in his person",⁵ and later in 1598 he came out strongly against ecclesiastic representation in parliament. In that year, being "the eldest minister at that tyme in Scotland", Ferguson had "related how the corruptions of that office of bishops had beene espyed by the Kirk of Scotland

1. B.U.K. ii. 427, 450, 473, 585, 703; iii. 795-6; Calderwood, iii. 443, 463, 515, 675; iv. 649.

2. B.U.K. ii. 450, 453; Calderwood, iii. 463, 469.

3. B.U.K. ii. 473, 474; Calderwood, iii. 515, 525-6.

4. Thorkild Lyby Christensen, "Scots in Denmark in the sixteenth century", S.H.R. xlix, 2. 139.

5. Spottiswoode, ii. 256; cf. B.U.K. ii. 420, 423; Calderwood, iii. 428-9.

from the beginning" and he went on to condemn the whole scheme as little other than a device for erecting bishops anew, as "nothing better than to that which the Grecians used for the overthrow of the ancient citie and toun of Troy: busking up a brave horse, and by a craftie Sinon persuading them to plucke down the walls with their owne hands, to receave that in for their honour and weelefare, which served from their utter wrake and destructioun".¹ Yet support for the presbyterian movement from men of the first generation of reformers does not end here. Not only did John Row, minister of Perth since 1560, help frame the second Book of Discipline, but, convinced of the logic of Melville's argument, he is said to have "thundered out mightilie against the state of bishops";² Robert Pont, another minister appointed in 1560,³ likewise became a stalwart of presbyterianism, strongly opposing the "Black Acts" and the revised episcopacy of 1584;⁴ Alexander Arbuthnot, adjudged fit "for ministreing and teaching" by the assembly of December 1560,⁵ is also said to have confuted and condemned the episcopal office;⁶ and prominent amongst the other earlier reformers who continued to be active in assemblies under the presbyterian ascendancy were John Brand, John Duncanson and George and Andrew Hay.⁷ General attachment

1. Calderwood, v. 681; Melville, Diary, 437.

2. Calderwood, iii. 479; cf. Melville, Diary, 83; Row, History, 415.

3. B.U.K. i. 4; Calderwood, ii. 46.

4. Calderwood, iv. 211ff., 351, 450ff., 455n.1.

5. B.U.K. i. 4; Calderwood, ii. 46.

6. David Calderwood, An Answer to M.I. Forbes of Corse, His Peaceable Warning, (1638), sig. C.2. ii. v.

7. See B.U.K. (Index).

to the principles of the second Book of Discipline is also indicated in the book's subscription at presbytery level. Not only so but in 1606 it was maintained, without any apparent contradiction, that Knox, Craig, Willock, Goodman, Lawson, Row, Ferguson, Arbuthnot, Rollock, Durie, Davidson and Pont had all strenuously opposed episcopacy, "dinging against that Popish corruptioun of bishopes, till it was utterlie purged and expelled furth of the Kirk";¹ and while it would be difficult today to find any documentation to support this conclusion, at least so far as the views of Knox and Willock are concerned, the accuracy of the statement in other respects, with regard to the rest of the individuals mentioned, can be satisfactorily attested.

John Craig, for example, had taken part on Melville's side in 1575 in the debate on episcopacy,² and had declined to assent to the "Black Acts" of 1584;³ Christopher Goodman is known to have become sympathetic to the presbyterian movement in England;⁴ the essentially presbyterian convictions of Ferguson, Row and Arbuthnot have already been examined, and of the remainder all, with the possible exception of Rollock, assuredly became prominent presbyterians.⁵ All in all, in view of these developments, it would be difficult to arrive at any verdict other than that many of the older men, who had been Knox's

1. Calderwood, vi. 511.

2. B.U.K. i. 340; Calderwood, iii. 355.

3. Craig had made it unmistakably clear that his subscription was neither an allowance of "the Acts of Parliament, nor of the state of the bishops", but only a testimony of his obedience to the king. Calderwood, iv. 246.

4. Cf. Patrick Collinson, The Elizabethan Puritan Movement, 133, 139.

5. See "Census" below.

colleagues did themselves become committed to presbyterian principles.

That many of the men of 1560 experienced no difficulty in giving their unqualified support to the Melvillian cause can thus scarcely be denied, and while the future of presbyterianism (and, indeed, of episcopacy) inevitably lay with the younger, more energetic, men who were to give the movement its sustaining influence, it is at the same time far from easy to draw any meaningful distinction in terms of age between the reformers active in 1560, and those who in 1576 concurred with Melville in the production of the second Book of Discipline. A marked difference in age there undoubtedly was between Erskine of Dun, "the father of the religious", born c.1510,¹ and the young Andrew Melville, born in 1545.² Distinctions, however, soon became more blurred. Erskine, Spottiswoode (born c. 1509),³ and Knox (born c. 1514),⁴ were really not so far removed from Craig (born 1512),⁵ Pont (born 1524),⁶ and Row (born 1526).⁷ Similarly, Arbuthnot (born 1538),⁸ Smeton (born 1536),⁹ Ferguson (born (1533)),¹⁰

1. According to Spottiswoode (History, ii. 412) Erskine died in his 82nd year on 12 March 1591 but Erskine's Testament shows that he died on 16 October 1592.

2. Melville, Diary, 35.

3. Spottiswoode, ii. 337. The archbishop's father died in his 76th year on 5 December 1585.

4. See Jasper Ridley, John Knox, 531-534.

5. Spottiswoode, iii. 94. Craig died in his 88th year on 12 December 1600.

6. D.N.B. xvi. 91

7. Spottiswoode, ii. 274; Row, History, 456.

8. Spottiswoode, ii. 319.

9. Ibid. 320.

10. Ibid. iii. 77.

and Lindsay (born c. 1531)¹ were all contemporaries and on average some ten years Melville's senior but Adamson,² it may be noted, completed his studies at St. Andrews only one year before Melville began his, and Melville, himself the class-mate of James Lawson (born 1538),³ was some twenty years older than both Spottiswoode, the future archbishop (born 1565),⁴ and Robert Howie (born c. 1565),⁵ another able exponent of episcopacy.

More informative, perhaps is the date of an individual's death, rather than his birth, for in the end only the grave interrupted a man's commitment to presbytery or episcopacy. John Row, for example, died in 1580,⁶ and both Arbuthnot and Smeton, two influential presbyterian divines, died in 1583,⁷ followed by James Lawson, a dedicated Melvillian, who died in London in 1584.⁸ On the other hand, Erskine of Dun outlived most of his generation, dying in 1592.⁹ David Ferguson survived till 1598,¹⁰ but Adamson, the near contemporary of Melville, aged a mere 55 years old died in 1592.¹¹

1. Ibid. 220.

2. R.St.A.U. 156. According to D.N.B. i. 111, Adamson is said to have been born on or about 15 March 1536/7 (though Chambers Eminent Scotsmen, i. 19 gives his year of birth as 1543).

3. R.St.A.U. 267; Spottiswoode, ii. 319.

4. Cf. Spottiswoode, i. xxxii.

5. J.K. Cameron, Letters of John Johnston and Robert Howie, xv.

6. Row, History, 456; Spottiswoode, ii. 274.

7. Spottiswoode, ii. 319-20; Melville, Diary, 139; Calderwood, iii. 748.

8. B.M. Add. MSS. 4736 fo. 166v.; Calderwood, iv. 201ff.; Melville, Diary, 219; Spottiswoode, ii. 318-19.

9. S.R.O. CC.20/4/2. MS. St. Andrews Testaments, 25 October 1593.

10. S.R.O. CC.8/8/32. MS. Edinburgh Testaments, 9 November 1598; Melville, Diary, 438; Spottiswoode, iii. 77.

11. Calderwood, v. 147.

Christieson of Dundee died in 1599¹ followed by Brand² and Craig³ in 1600, while Robert Pont, another staunch presbyterian, soldiered on till 1606.⁴

Among the younger men who were to lend their enthusiastic support to the developing movement, Durie (born 1537),⁵ Lawson (born 1538)⁶ Carmichael (born c. 1546)⁷ Balcanquhal (born c. 1548),⁸ Davidson (born c. 1549),⁹ Bruce (born 1554),¹⁰ James Melville (born 1556),¹¹ and Patrick (born 1556)¹² and Archibald (born c. 1564)¹³ Simson all became key figures in the inner circle of Melvillians, leading influential men, quite undaunted in their convictions and unwavering in their allegiance. Of these individuals, all but Durie were university graduates, and this sort of picture is again reflected within the wider, rank and file of the movement where a high proportion of its adherents had received a university education possessing a bachelor's or master's degree from a Scottish

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1. Thorkild Lyby Christensen, "Scots in Denmark in the sixteenth century", S.H.R. xlix. 139 (citing John Johnston's Musa Latina Aberdonensis).
 2. S.R.O. CC8/8/36. MS. Edinburgh Testaments, 15 March 1602.
 3. S.R.O. CC8/8/35. MS. Edinburgh Testaments, 23 March 1601; Spottiswoode, iii. 91.
 4. D.N.B. xvi. 91-4.
 5. Spottiswoode, iii. 84.
 6. Ibid. ii. 319.
 7. Fasti, i. 369.
 8. Ibid. i. 125; D.N.B. i. 944-5.
 9. D.N.B. v. 575-6; cf. Fasti, i. 387.
 10. Fasti, i. 54; D.N.B. iii. 128-9.
 11. Melville, Diary, 13.
 12. Select Biographies, i. 71.
 13. D.N.B. xviii. 283-4.

university, and some like Polwart, Smeton and Johnston had continued their studies at universities or centres of learning abroad.¹

Many of Melville's contemporaries, or near contemporaries, had of course been undergraduates in the days of old, largely unreformed, regime. Melville had started his course at St. Andrews in 1559 on the very eve of the reformation,² and Pont, Smeton, Arbuthnot, Adam Johnston and Nicol Dalgleish were all pre-reformation graduates of the 1550's.³ Others like Balcanquhal, Davidson, John Fairfoul and Andrew Clayhills were students in the years immediately following 1560,⁴ and there were those like Galloway, Rollock, James Melville, Patrick Simson, John Coupar and Andrew Hunter who, as undergraduates in the '70's,⁵ were probably among the first to receive a native university education in a staunchly, even aggressively, protestant environment. By the 1580's and '90's yet another generation of students had come to the fore, one which could remember little or nothing of the pre-reformation era, one which included in its ranks, men like William Aird, Archibald Simson, Charles Ferme, John Johnston and John Welsh, who graduated in the 1580's,⁶ and others like William Erskine, Henry Blyth, George Grier, Thomas and William Hogg, and John Macbirnie in the 1590's,⁷ who were in some way it

1. Melville, Diary, 42; Calderwood, iii. 405-7; J.K. Cameron, Letters of John Johnston and Robert Howie, xvii-xliii.

2. R.St.A.U. 267.

3. Ibid. 250; 154, 259; 152, 153, 265; 152, 258; 263.

4. Ibid. 163, 165, 273; 159, 270.

5. Ibid. 172, 281; 175, 179, 285; 168, 279; 170, 173, 280; 177, 286; 288.

6. Melville, Diary, 218; Fasti, i. 315; iii. 5; vi. 220; J.K. Cameron, Letters of John Johnston and Robert Howie, xvi.

7. Fasti, i. 18, 374; ii. 12, 30; v. 88, 196; vi. 14.

would seem, all the products of Melville's educational policies and without doubt the supporters of a presbyterian polity.

So far as the leadership is concerned, it remains an unassailable fact that many of the foremost presbyterians were Melville's seniors or at least his contemporaries, men who had imbibed reformation principles, men who had served in the Knoxian church, who had never received university instruction from Melville and who were therefore possibly less likely than others to be unduly affected by his teaching. Conversely, it was rather within the rank and file of the emerging younger generation of presbyterians where university experiences and associations may well have left a meaningful, even lasting impression, that Melville's influence as a teacher becomes apparent.

Not the least of Melville's achievements was his contribution towards reorganising Scottish university education.¹ It was largely on his initiative that reforming programmes were introduced first at Glasgow and then at St. Andrews and Aberdeen. The first Book of Discipline had of course pointed the way by recognising the need for future educational changes,² but it was Andrew Melville, and not John Knox, who succeeded in altering both the structure and content of university education. As a student in Paris, Melville appears to have abandoned "the Greik Logics of Aristotle" which he had studied at St. Andrews and to have absorbed instead the anti-Aristotelian teaching of Ramus,³ the French philosopher and reformist who began

1. Cf. R.S. Rait, "Andrew Melville and the Revolt against Aristotle in Scotland", *E.H.R.* vol. xiv. (April 1899), 250-260.

2. Knox, *Works*, ii. 209-221; *History*, ii. 295-302.

3. Melville, *Diary*, 30, 39-40.

an astonishing career in 1536 by propounding and defending the provocative thesis "All that Aristotle has said is false".¹ At Geneva, too, Melville was again afforded a further opportunity for hearing Ramus, and although the latter incurred the opposition of Beza,² Melville was obviously sufficiently impressed by the new philosophy which Ramus preached, for he and another Scot followed the French humanist to Lausanne.³ At home again, as principal of Glasgow university, Melville revitalised a depressed and decaying institution by introducing reforms along Ramist lines. Both Ramus and Talon, his staunch supporter, were given their due place in the revised curriculum, but Aristotle, though displaced, was not altogether ousted. As part of the new course, Melville had seen fit to include the "ethiks of Aristotle", and something of the medieval scholastic tradition seems to have survived in the views of Peter Blackburn, the oeconomus, who remained, until won over by Melville, "a bitter propugnar of Aristotle".⁴

Reforms at Glasgow were carried one stage further in 1577 with the nova erectio which provided for the replacement of the outmoded practice of regenting by a system of specialist professors.⁵ A similar scheme was also drawn up for St. Andrews with the new foundation of 1578 which established St. Mary's as a college of

1. F.P. Graves, Peter Ramus and the Educational Reformation of the Sixteenth Century, 26.

2. Ibid. 99, 201.

3. Charles Borgeaud, "Cartwright and Melville at the University of Geneva, 1569-1574", A.H.R. v. 288.

4. Melville, Diary, 49, 52, 53, 67, 78-9.

5. Munimenta, i. 103-112; J.D. Mackie, The University of Glasgow, 66.

divinity staffed with five theology professors.¹ Thereafter St. Mary's functioned as "ane seminarie for planting of the haill kirkis within the realme",² and Melville established himself as "chief doctor and master of the education of the youth in knowledge of the tongues and theology".³ As first principal of the reconstituted college, it was not long before Melville confronted his more conservative colleagues, particularly the philosophy lecturers of St. Leonard's, with the full force of his radical, anti-scholastic, Ramist philosophy. Within a year of his appointment, in 1580, turmoil had broken out in St. Andrews university, as his opponents attempted to fight a rearguard action. If Ramus were right and Aristotle wrong, the implications were clear; "Thair breadwinner, thair honour, thair estimation, all was gean, giff Aristotle sould be sa owir-harled in the heiring of thair schollars; and sa dressit publict orationes against Mr Androe's doctrine".⁴ The same forceful personality which Melville displayed at Glasgow, where "being sure of a truethe in reasoning, he wald be extream hat, and suffer na man to bear away the contrar",⁵ was also brought to bear at St. Andrews where "Mr Andro insisted mightelie" against the exponents of the old scholastic philosophy "in his ordinar lessones" until they finally "acknawlagit a wounderfull transportation out of darknes unto light".⁶ Over the years, despite "mikle feghting and

1. R.G. Cant, The University of St. Andrews, 48-49.

2. MS. St. Andrews Presbytery Records, 5 November 1590.

3. Calderwood, iv. 422.

4. Melville, Diary, 123.

5. Ibid. 67.

6. Ibid. 123-4.

fascherie",¹ Melville's will eventually prevailed. In October 1583, it was probably he who obtained from the general assembly a qualified condemnation of Aristotle's philosophy;² and with his appointment in 1590 as rector of the university, Melville's success seemed assured.

There is some reason to believe that Melville's educational theories also penetrated and influenced current thinking at Aberdeen. As early as 1575, Melville and Arbuthnot, the principal of King's College, had agreed on a common line of action and programme of reform for both Glasgow and Aberdeen.³ The impact of the envisaged changes and the reception of Ramist teaching in Aberdeen is, however, harder to assess. For one thing, the nova erectio of 1583 failed to take effect at King's and from 1593 onwards the college found itself in competition with Marischal college, a newly founded and rival establishment.⁴ Yet it may be more than just coincidence that both John Johnston and Robert Howie, on graduating from King's in 1584, should decide to pursue studies abroad which finally imprinted upon them a definite Ramist outlook.⁵

Similar tendencies were at work at Edinburgh too. Instrumental in the successful institution of this new university was the

1. Ibid. 124.

2. B.U.K. ii. 638-9, 640-1; Calderwood, iii. 734-5.

3. Melville, Diary, 53.

4. G.D. Henderson, The Founding of Marischal College, Aberdeen, 15-61; R.S. Rait, The Universities of Aberdeen, 107-116.

5. J.K. Cameron, Letters of John Johnston and Robert Howie; xvi, xix, xxii, xxv, xxixf., xlvi, 35ff, 38f, 62f.

presbyterian city minister, James Lawson,¹ formerly sub-principal of Aberdeen, and with Robert Rollock, a St. Andrews graduate, as first principal, this new creation likewise became affected with current Ramist teaching. There students like Charles Ferme, who later became principal of the ill-fated Fraserburgh college, were subjected to the works of Ramus and Talon,² and Rollock's own attitude is clearly revealed in one of his sermons where, attacking Aristotelian scholasticism, he accused its followers of turning "the gospel of Jesus to Aristotle, all thair writings are bot spreitles. Thair is not sa mekle as ane smel of the spreit of Jesus in them all".³

Here, then, was something of the ethos which characterised university education in Scotland from the 1570's onwards, and it was from this same background, amidst these new academic influences, that many of Melville's younger disciples must have spent their

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1. Alexander Grant, The Story of the University of Edinburgh, i. 105-7. In February 1578/9, the town council was involved in negotiations with Robert Pont "tuiching the erectioun and fundatioun of the universeteis in the Trinitie College"; in April councillors and interested parties met in the minister's lodgings "for taiking of ordour anentis the founding of ane universitie"; and in 1580 the library bequeathed to the town by Clement Little, an Edinburgh advocate, which became the nucleus of the university library, was placed in the custody of James Lawson. (Edinburgh Burgh Records, iv. 103, 105; Maitland Club Miscellany, i. pt. ii. 287-291). One might wish, however, to question Grant's estimation of Lawson as "the man to whom, above all others, the foundation of the university of Edinburgh is due", which is something of an exaggeration; and his reference to a town council minute of December 1579, with which Lawson was involved, concerning the erection of a "college of theology" does of course refer to St. Andrews and not to Edinburgh. (see Edinburgh Burgh Records, iv. 131).
 2. Charters, Statutes, and Acts of the Town Council and the Senatus, 1583-1858, ed. Alexander Morgan, 60-61, 63; Charles Ferme, A Logical Analysis, ed. W.L. Alexander, xii.
 3. Rollock, Select Works, i. 388.

formative years. There does appear to have been something of an orientation towards an alliance between presbyterianism, radicalism and Ramism, on the one hand, and episcopacy, aristocracy and scholasticism on the other.¹ "Most of the great English Puritans", it has been observed, "were followers of Ramus";² and it is highly noteworthy that the new intellectual ideas associated with Ramist humanism should find a firm footing and outlet in Scotland at so relatively early a date.

Melville was, of course, neither the first nor last Scot to become attracted to Ramist philosophy. George Buchanan is said to have been a friend of Ramus;³ two of James V's illegitimate sons, of whom one was probably lord James Stewart, earl of Moray, were the guests of Ramus in Paris;⁴ and another Scot, Roland Makylmenaes, a St. Andrews graduate,⁵ had published an English edition of Ramus' Dialectic,⁶ in the very year of Melville's return from Geneva. Melville was, however, the dominant figure in Scottish theological education. At Glasgow he established something of a Melvillian dynasty by appointing James and Patrick Melville as members of the academic staff,⁷ and when he left for St. Andrews it was Thomas

1. Hugh Kearney, Scholars and Gentlemen: Universities and Society in Pre-Industrial Britain, 1500-1700, 46-90.

2. Christopher Hill, Intellectual Origins of the English Revolution, 292.

3. F.P. Graves, Peter Ramus, 213.

4. Ibid.; Walter J. Ong, Ramus Method and the Decay of Dialogue, 372n. 14.

5. R.St.A.U. 164, 165, 273.

6. Walter J. Ong, Ramus Method and the Decay of Dialogue, 14, 301.

7. Melville, Diary, 53, 84.

Smeton, his associate, who became his successor at Glasgow.¹ With Arbuthnot at Aberdeen and later with Rollock at Edinburgh, all Scottish theological training was for a time supervised by men sympathetic to the Melvillian cause.

Though a keen admirer of Ramist logic, Melville obviously did not go all the way with Ramus, and in matters of polity he seems to have sided not with Ramus but with Beza. In opposition to Beza, Ramus had criticised the inherent oligarchic tendencies in, and the deacon's exclusion from, church government; and Beza, in turn, accused "that pseudo-dialectician" of stirring up "a very serious discussion concerning the whole government of the church", by claiming that it "ought to be more democratic, not aristocratic, leaving to the council of elders only the proposal of legislation".² Within a purely Scottish context, it may be noted that the second Book of Discipline was antipathetic to Ramus' ideas on polity, for not only had it excluded the deacon from a share in the church's government but it had also recommended that the voting membership of the assembly should consist purely of "ecclesiasticall personis".³

The broad intellectual influences which helped to shape the outlook of young prospective ministers seem clear enough but precisely what were the academic and religious dispositions of the individual regents or tutors who helped conduct the students through their courses is quite another matter, and a subject relatively unexplored. It is, however, known that James Melville, whose diary presents a

1. Ibid. 84.

2. F.P. Graves, Peter Ramus, 200-201.

3. B.U.K. ii. 500, 501; Calderwood, iii. 542, 543.

unique picture of his own student days at St. Andrews in the early 1570's,¹ was taught at St. Leonard's by William Collace, a friend of the family, who was sufficiently attracted by Calvinism that he decided to leave Scotland first for France and then for Geneva itself where he died in 1574.²

Within St. Andrews alone, the philosophy which governed the teaching at St. Leonard's and St. Salvator's was not necessarily the same as that at St. Mary's, and by no means all the youthful graduates of St. Andrews who later decided to enter the ministry would have attended Melville's classes in divinity. Adam Colt, for example, studied at St. Salvator's and on obtaining his master's degree was appointed regent at Edinburgh university, before becoming minister at Borthwick and later at Musselburgh,³ and whatever influences determined his attachment to the presbyterian cause, Melville's teaching at St. Mary's college, if it cannot be discounted altogether, is certainly one of the more tenuous elements. While one can point to those like Robert Bruce,⁴ the radically-minded Andrew Hunter,⁵ and John Malcolm and Andrew Duncan "grait students of Theologie and speciall professed frinds of Mr Andro",⁶ whom Melville had taught, as well as such later divinity graduates as William Erskine, David Mearns, James Strachan and probably John

1. Melville, Diary, 24-36.

2. Ibid. 24-26, 51.

3. Fasti, i. 301, 325.

4. Melville, Diary, 147.

5. Calderwood, iv. 534.

6. Melville, Diary, 124.

Forbes, who all became presbyterian ministers,¹ one can equally mention Spottiswoode, Patrick Forbes of Corse and Andrew Knox to name but three who were also Melville's students at Glasgow and who in later years became notable episcopalians.² As a university teacher, Melville was confronted with his rebels as well as his conforming disciples; and this alone may serve perhaps as a sufficient warning against any temptation to exaggerate the influence which Melville wielded at either Glasgow or St. Andrews.

On the other hand, the efficacy of Melville's lecturing is not without testimony of its own. It was of course precisely because of his ascendancy at St. Andrews, that Melville, on the king's directive, was first dismissed from his office of rector in 1597³ and then deprived from his appointment at St. Mary's in 1607,⁴ during his enforced detention in London. It was also with the intention of countering Melville's teaching that Robert Howie, by then a convinced episcopalian, was installed as his successor, so that the divinity students of St. Andrews might encounter what arch-bishop Gladstones felt was the more "profitable and substantial theologie" which flowed from Howie's lips, rather than Melville's

1. The printed matriculation and graduation rolls for St. Andrews extend only to 1580, and I am grateful to Mr. R.N. Smart of the Muniments Room, St. Andrews University, for confirming that they were all theology students at St. Mary's.

2. M'Crie, Melville, 33 and n.2. Forbes followed Melville from Glasgow to St. Andrews in 1580 and accompanied him in exile in 1584-5. Melville, Diary, 170; W.G. Sinclair Snow, The Times, Life and Thought of Patrick Forbes, Bishop of Aberdeen, *passim*. It may emerge that Spottiswoode was taught more by James than Andrew Melville, for in a letter to his nephew in 1608, Melville spoke of "Glasgow, your scholar". E.U.L. MS. Dc.6.45. Melvini Epistolae, fo. 29.

3. Melville, Diary, 418-19.

4. R.P.C. vii. 441, *cf.* 540.

"superficiall and feckles inventiones".¹ But it proved a good deal harder than Gladstones anticipated to remove all Melvillian sentiments from St. Andrews, for even by 1611 the only other remedy which the archbishop could offer the rector, who was his son-in-law, was "to goe forward in teaching the Canoun Law, as ane reddie way to bring out the Presbiterian Discipline fra the heartes of the young ones, and to acquaint even the oldest with the Auncient Church Government, quhairof thai ar ignorant".² Melville's influence at St. Andrews, it would seem, had survived his removal in 1607.

If presbyterianism was nurtured in the universities, it was also sustained in the 'exercise' which provided divinity students with an introduction to church government. In every university town and in the chief burghs, the urban and rural ministers of the surrounding districts were accustomed to meet together regularly for biblical study in the exercise which by the 1580's formed an integral part of the weekly presbytery meetings. Designed to maintain, and even improve, the educational standards of graduate and non-graduate ministers alike, the exercise might take one of two forms: the disputations could take place in public before the congregation and kirk session of the principal town where the presbytery met, or they could be held behind closed doors where divinity students and inexperienced or ignorant ministers could be heard by the presbytery in private. Every entrant to the ministry was thus placed on the exercise. While still at university, divinity students as a matter of course regularly attended the exercise of

1. O.L. i. 118.

2. Ibid. 269-70.

their local presbytery.¹ Others who might possess no formal university education or who came to the ministry from other professions, perhaps school-teaching,² later in life were eligible to apply to the presbytery of their choice. In September 1586 Stirling presbytery, at the request of St. Ninians kirk session, placed Henry Laing "ane yung man of honest report newlie returnit frome the schollis", first on the privy, and then on the public, exercise before appointing him "coadjutor" or assistant minister at St. Ninians.³ Similarly, in August 1587, "Mr Hew Myllis servand presentlie to the Lady Burlie" appeared before Stirling presbytery, declaring himself "varie willein to entir in the ministrie and thairfor ernistlie desyris the brethir to tak ane tryell of him concerning his habilitie thairto"; and after "praisein God for his godlie and lauchtfull desyr", the presbytery placed him on the privy exercise to "teiche on the 4 chap. of the Epistill to Timothie beginning at the 12 vers thairof to the end of the chaptur privallie in forme of exerceis".⁴ On the appointed day, Myles duly preached "in the Latein langage" but the brethren, obviously unimpressed, were "not satisfeit with his opnein up of the mening of the text and thairfor thinkis him not meit to be admittit to the secund point of tryell bot ordanis him to teiche privallie in the samin forme in Ingillis langage".⁵ Further examination revealed Myles' continued

1. G.C.A. MS. Glasgow Presbytery Records, fo. 27v. 28 May 1594; cf. MS. St. Andrews Presbytery Records, 22 October 1590; 4 August, 8 September, 15 September 1597.

2. E.g. MS. Stirling Presbytery Records, 21 July 1590.

3. Ibid. 27 September, 6 October, 10 November 1586.

4. Ibid. 24 August 1587.

5. Ibid. 19 September 1587.

failure to give a proper exposition of the text and so he was exhorted to continue with his studies of scripture.¹ But a more promising candidate, like Henry Livingstone, whose doctrine was found to agree "weill with the purpos and mynd of the apostill" and who was deemed to have successfully completed his course on the privy exercise went forward to the public exercise where after a further assessment of his abilities, he eventually emerged as the prospective minister of St. Ninians.²

Essentially an occasion for preaching and for a systematic exposition of passages of scripture,³ the "exercise and prophecie"⁴ took place before an assembled congregation for the mutual edification of the whole audience both people and ministers alike. One minister was chosen to exercise or preach upon an assigned text. A second speaker, appointed to "make the addition" was then required to give some practical observations on the same theme without repetition or entering into any exposition of the text.⁵ His task was "to make ryght use of the speciall and sentrall doctrines delyvered by the formare speaker according to the word of wysdome that is to exhort and comferte". Thereafter, the ministers and elders would remove themselves to a separate part of the church - "the place of conference" - for private discussion:⁶

1. Ibid. 10 October 1587.

2. Ibid. 18 June, 8 August, 17 August, 22 August, 12 September, 19 September, 10 October, 17 October, 1587.

3. E.g. ibid. 27 February 1581/2, 27 November 1582.

4. E.g. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, fo. 101r. 10 October 1588.

5. Ibid. fo. 31v. 15 November 1582.

6. N.L.S. Adv. MS. 6.1.13. fo. 39r.

"the propheycye and exercyse ended the people disolveth, the ministers and elders repayreth to a certeyne place aparte in the churche appoynted fore there proper uses in that behalf".

After prayer and invocation of God's name by the moderator, the brethren starting with the speakers on the exercise submitted themselves in turn for mutual censure and fraternal correction at the command of the moderator. Diligent inquisition was taken of their doctrine, life and conversation, and discussion might arise on an individual's handling of the commonplaces and grounds of religion or of his ability to withstand adversaries and refute errors or, again, of his proficiency in dealing with the controversies in discipline.

The exercise, as an institution, merged as it was with the presbytery, was obviously of crucial importance. Under the Melvillian establishment, free from bishop's restraints, it provided an excellent opportunity for inculcating and maintaining a unity of belief both in doctrine and government. The very fact that the exercise was presided over by a moderator, freely elected by the ministers and not nominated by a bishop, together with its integration with the presbytery whose proceedings were conducted on a democratic basis by "plurality of votes" or by "universal consent",¹ served to encourage the underlying presbyterian principle of parity.

Contemporaries were well aware of the value of the exercise as a means whereby the young minister "may grow in the gift of government alsweill as in doctrein";² and when the king in a bid to outwit

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1. E.g. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 11 April 1587; MS. Stirling Presbytery Records, 30 October 1582.
 2. S.R.O. CH2/252/1. MS. Synod of Lothian and Tweeddale Records, fo. 9v. 2 April 1589.

Melville debarred "doctors" from attending presbytery meetings, Melville as "provest of the college of Theologie" bitterly complained to the presbytery in August 1597 "that the studentis of Theologie war debarrit from heiring the conference and censure upon the doctrin of exercise and using of the discipline", a complaint upheld by the presbytery which proceeded to appoint a deputation to discuss the issue with the king and commissioners of Assembly.¹

The links between the universities and the church were particularly close. The collegiate atmosphere of university life was carried over into the church which afforded endless opportunities to renew acquaintances and to consult together in the various church courts. As students, prospective ministers were accustomed to

1. MS. St. Andrews Presbytery Records, 4 August, 17 August 1597. In September, Melville repeated his criticism, "complayning heavylie that the studentis of theologie war debarred from heiring of the proceidor in exerceive of discipline be the sayd presbytrie being a thing most necessar for the trayning up off the youth that suld serve in the ministrie of the kirk". (*Ibid.* 8 September 1597). For its part, St. Andrews presbytery, "all in ane voyce finding that their was just occasioun of complaynt both anent that poynt and off removing off the Maisteris professoris of theologie being doctoris in the kirk off the sayd presbytrie" concurred with Melville and once more appointed delegates to meet the king and commissioners of assembly in the hope that the king's decision might be reversed that "the studentis off divinitie wha had dedicat their studeis to the ministry be admitted heraris". (*Ibid.*) In the same month, the presbytery went one step further and inquired of the "Maisteris of the university" whether "they will joyn with the brethren in the prophecei according to their former custom, or utherwyse exeme them selffis tharfra, lyk as violentley they ar debarred from administration of discipline within the presbytrie". (*Ibid.* 15 September 1597). Melville himself was quick to accept the invitation and by January 1598 was again making the exercise. (*Ibid.* 19 January 1597/8. By December 1598 the masters of philosophy had also "aggreit to enter upon the exerceis againe", (*Ibid.* 16 December 1598) and in July 1599 Melville had even persuaded the presbytery to "superceid" their exercise for one week and be present instead to hear the public disputations being held in St. Mary's. (*Ibid.* 19 July 1599).

interpret scripture together and this feeling of solidarity was continued in later life in the exercise and presbytery to which they had been admitted as fully-fledged members. Fresh from college, theology students had of course to provide the presbytery with evidence of their performance at university and in June 1588 before being admitted to a charge within the presbytery of Haddington "Mr George Byris for testefeing of his conversatioun and honest lyf the tyme he was student in Sanctandros producit ane testimoniall frome the college under the greit seill of the universitie and the rectoris subscriptioun".¹ To men trained in the presbyterian tradition at university, ever ready to interest themselves in platforms of church government, the presbytery became a microcosm of the wider church, a fellowship or common brotherhood which in matters spiritual admitted no earthly father be he bishop, prince or pope.

As a unit the presbytery acted as a cohesive and unifying factor. It was in the weekly presbytery meetings that the regular business of the church was carried on, and it was there that the godly preachers could meet together for exercise, discipline, discussion and mutual censuring. Such a gathering naturally served as a focal point for the formulation and interaction of ideas, a place where local reaction to national issues affecting church and state could find expression, and it is not without significance that the presbytery, as the most convenient body for the purpose, also assumed responsibility for electing commissioners to the assembly.² Wherever

1. S.R.O. CH2/185/1. MS. Haddington Presbytery Records, 4 August 1597.

2. See below, Appendix II.

presbyteries were established a whole network of communications came into being as letters, reports and testimonials flowed to and fro from one presbytery to another. St. Andrews presbytery was, for example, in correspondence with the presbyteries of Dalkeith, Dunfermline, Kirkcaldy, Ayr, Edinburgh, Aberdeen, Cupar and Perth; Edinburgh presbytery was in communication with the presbyteries of Elgin, Melrose, Dunbar, St. Andrews and Dalkeith; and Stirling presbytery was likewise in contact with the presbyteries of Glasgow, Lanark, Dunbarton and Paisley.¹ With this free circulation of information among the presbyteries, so too would one presbytery readily seek the advice of another,² and on occasion neighbouring presbyteries would join forces to tackle a particularly serious matter of mutual concern.³ The kirk session, by contrast, was ill-equipped to tackle any issues other than the strictly parochial, usually of minor importance. As moderator and sole preaching elder in the local session, the minister inevitably found himself in a somewhat isolated position with no opportunity for consultation with his "sym-presbyters" or fellow ministers. The provincial synod, meeting infrequently at twice-yearly intervals, was never a particularly effective instrument of government and was only of

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1. MS. St. Andrews Presbytery Records, 19 January [1586/7], 13 April [1587], 4 January 1592/3, 10 May 1593, 7 October 1596, 4 February 1596/7, 7 April 1596/7, 22 March 1598/9, 31 May 1604; S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 20 December, 27 December 1586; 10 January, 24 January 1586/7; 17 August 1591; MS. Stirling Presbytery Records, 16 August 1583, 8 October 1583, 28 February 1583/4, 27 April 1603.
 2. E.g. MS. St. Andrews Presbytery Records, 4 January 1592/3, 7 October 1596, 31 May 1604; G.C.A. MS. Glasgow Presbytery Records, fo. 49v., [7] May 1595.
 3. E.g. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 24 April 1601, 8 May 1601.

limited scope as a meeting place for further discussion and consultation. Even the general assembly where the great national issues were debated could accommodate only relatively few ministers from any one presbytery in any given year and its brief duration was another inhibiting factor and source of frustration.

Yet to any promising young Melvillian minister, trained in the schools and in the lesser courts of the church, it was only a matter of time before he was chosen as commissioner to the assembly. Henry Livingstone, for example, as minister of St. Ninian's found himself elected commissioner to the general assembly in less than three years from his initial entry to the ministry.¹ Even more remarkable, perhaps was the election of Robert Bruce as moderator of the assembly within a year of his appointment as minister of Edinburgh.² As an institution the assembly had always respected the equality of its members. Its democratic government was reflected not only in the moderator's office but also in its voting procedure where decisions were determined not by the few but according to the wishes of the majority.³ This principle of parity had, of course, been a guiding principle in assemblies from the early 1560's and one which the Melvillians had championed and taken for their own. Comparatively little indication has survived of the activities of any pressure groups active within the assembly. From 1575 onwards, the views of Melville and those of the majority in the

1. B.U.K. ii. 763.

2. B.U.K. ii. 696-7, 703; Calderwood, iv. 634, 649.

3. B.U.K. i. 50, 52, 65, 72, 77, 124, 134, 141, 158, 182, 184, 185, 243, 246, 257, 302, 322, 351, 352.

assembly are virtually indistinguishable. A common ground and a common cause there undoubtedly was between many of the older reformers and the up and coming younger generation of ministers, and whatever the true nature of Melville's apparent ascendancy in the assembly, it remains a fact that Melville was six times moderator.¹

On the other hand, from the late '70's onwards through the '80's and into the '90's the vast majority of assemblies were chaired by men well known for their presbyterian inclinations. Of some thirty four assemblies held between August 1575 (when the debate on episcopacy took place) and March 1595/6 (the date of the last assembly before the Edinburgh riot in December 1596), all but five had moderators whose strong presbyterian convictions are well attested, and even the moderators of the remainder seem to have been favourably disposed at that point towards the Melvillian cause.² This in itself is both an indication of the prevailing mood of assemblies and of the strength of Melvillian opinion in the country at large. Nor was the moderator's office devoid of influence. Around him were gathered a number of assessors who assisted in determining the assembly's agenda. The system seems to have grown out of the procedure adopted by successive assemblies of setting up a committee to answer questions and bills of complaint brought before the

1. *Ibid.* ii. 403, 548, 576, 685, 740; iii. 819; Calderwood, iii. 398, 598, 622; iv. 615; v. 5, 307.

2. *Cf.* Calderwood, viii. 308-311.

assembly.¹ By March 1569/70 if not before, this practice had been extended to include the appointment of several ministers "to consult upon the order of proceeding in actions to be treated in the Assembly".² This device appears to have worked smoothly enough but in July 1580 some, possibly left-wing, elements in the assembly who were "offendit with the ordour of Assessours" challenged the validity of the arrangement - the precursor of the "privy conference" - on the grounds that it could become prejudicial to the assembly's liberty - a complaint later voiced by presbyterians against the diocesan synod³ - but after debating the issue the assembly "concludit the said ordour to be good and necessar, and to be keipit as it was befor without any hurt or prejudice to the libertie of the brether".⁴ The king himself, it may be noted, was well aware of the assessor's influence, and in the assembly of 1586, at which he was present, James refused to accept one of the assessors named.⁵

As a group of prominent ministers with possibly some lairds and a burgess or two thrown in for good measure, the assessors were normally chosen by the whole assembly though on several occasions it was the moderator himself who, with the assembly's consent, made his own choice of assessors; and it is possibly revealing that Melville, Lawson, Pont and Andrew Hay should be amongst those who,

1. E.g. B.U.K. i. 66, 90, 93, 125; Calderwood, ii. 301, 330, 370.

2. B.U.K. i. 157; Calderwood, ii. 529.

3. Calderwood, vii. 121.

4. B.U.K. ii. 449-50; Calderwood, iii. 463.

5. B.U.K. ii. 647.

as moderators, appear to have nominated their own assessors.¹ Yet, however chosen, it remains true that most of the men nominated as assessors in the years between 1575 and 1597 turned out to be staunch presbyterians with, of course, a ready access to the subjects to be debated in the assembly; and Melville himself acted as moderator's assessor on at least thirteen occasions.² Such was the nature of the Melvillian ascendancy in the assembly.

The Melvillian domination of the assembly is a well-attested phenomenon. What is much harder to assess is the numerical strength of the presbyterian movement in the wider church. Around 155 ministers and doctors who left evidence of their presbyterian convictions have been traced,³ though in a church which contained about a thousand parishes, this figure may seem surprisingly low. To put it this way is, however, to underestimate its true significance. A relatively high proportion of Scotland's parishes were staffed not by ministers but merely by readers. In 1574 there were, for example, three times as many readers as ministers;⁴ and all too often adjoining churches were united under the care of one minister "according to the corrupted platt of the four kirks".⁵ Even by 1596, the assembly estimated that there were still over 400 parishes, excluding Argyll and the Isles, "destitute of the

1. B.U.K. ii. 427, 449, 463, 473, 548; Calderwood, iii. 443, 463, 473-4, 515, 598.

2. B.U.K. ii. passim.

3. See "Census" below.

4. Wodrow Society Miscellany, i. 329-396.

5. E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane, e.g. visitation of Auchterarder, 13 October 1586.

ministrie of the word".¹ The quota of presbyterian preachers, placed in this perspective, does become a little more meaningful.² There are also indications that this discernible group of Melvillians represents only the vanguard of the movement. It would be true to say that only the more militant presbyterians have left a testimony of their beliefs: it was only through government prosecutions and the occasional sermon or utterance that a permanent record of an individual's loyalties has survived. This, in itself, is hardly a satisfactory yardstick for measuring the sympathies of less outspoken, less articulate members who escaped royal attention and who composed the rank and file of the movement. Moreover, many fellow-travellers like Erskine of Dun and David Lindsay who were closely associated with the second Book of Discipline and the Melvillian programme, it should be noted, have been excluded from this census simply through lack of corroborative evidence of any anti-episcopal sentiments.

In other instances, it is possible to detect the presbyterian stance of a particular presbytery and yet be unable to identify the loyalties of its individual members. When Montgomery as minister of Stirling aspired to the archbishopric of Glasgow, Stirling

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1. B.U.K. iii. 876; Calderwood, v. 416. The four hundred parishes lacking ministers were of course served by readers (see G. Donaldson, Scottish Reformation, 94). The accuracy of the assembly's assessment is perhaps open to question but the figure does at least tie in with the presbyterians' proposals of the 1580's to abolish the office of reader and to reduce the number of parishes to some six hundred (B.U.K. ii. 480, 513; Calderwood, iii. 520, 526).
 2. It is of course true that some of the 155 Melvillians who have been traced were active in 1560 while others were still alive as late as 1640; but it is also true that the majority were active in the 1590's when the presbyterian ascendancy was at its height.

presbytery in 1582 proceeded to condemn the office of archbishop as "ane functioun quhilk hes na warrand in the word of God",¹ and in the following year that same presbytery admonished the bishop of the Isles "nocht to styll him self bischop nor lord either by word or writing".² In doing so, the presbytery was obviously upholding presbyterian orthodoxy, but the paucity of surviving evidence makes it quite impossible at this point to single out any particular member of Stirling presbytery and label him "Melvillian" even though a dozen or so members of that body must have agreed and approved of the line of action taken.

Melville himself disclaimed having any special influence in St. Andrews presbytery, observing on one occasion that he had merely one vote among many, but others evidently thought otherwise; and David Lindsay, secundus, as he indicated to lord Menmuir in March 1596/7, was well aware of Melville's "authoritie" and "how meikill it may serve in that presbyterie".³ As might be expected, St. Andrews presbytery was strongly Melvillian and willing to testify to its presbyterian heritage. As late as August 1604, the ministers of the presbytery with uniform consent decided to reaffirm their commitment to the church's presbyterian constitution. As a declaration of the "onlie godly just and lauchtfull" polity, and "for explanatioun of the present discipline generallie authorized", the acts of parliament of 1592, together with the Confession of Faith, were read before the presbytery and subscribed as a testimony

1. MS. Stirling Presbytery Records, 27 February 1581/2.

2. Ibid. 26 March 1583.

3, N.L.S. Adv. MS. 29.2.8. (Balcarres Papers, viii.), fos. 75, 78.

of "ther harmonie and hartlie agrement in all thingis baith concerning doctrine and discipline".¹

When, in the same month, a minister asked leave from the presbytery to journey to England to recover a debt, the presbytery required of him "that nather in speiking or practeising he deill directlie or indirectlie aganis the present governement of this kirk".² St. Andrews presbytery, though long deprived of Melville's participation, continued to view with suspicion any intended visits of ministers to episcopal England and when Gladstones who had "departit with out adverteising the presbyterie" returned home from the south he had to reassure the presbytery by declaring "in presens of the haill Brethrene that as he departit a brother sa he returnis usurping na superioritie over them, but to have a simple vote as the rest, promiseing to behave himself in als greit humilitie and greyter then ever befoir".³ This suspicious attitude is in sharp contrast to the amicable relations and free coming and going in the 1560's and shows how Scottish opinion had changed.

In the Lothians, Edinburgh presbytery, dominated by the city ministers, was well known for its Melvillian convictions and for its continued opposition to episcopacy. This appears, for example, in its attitude to Patrick Adamson "callit bischop of St. Andrews" who was accused of "inveying aganis Mr. Andro and Mr. James Mellvillis aganis his promiseis",⁴ and condemned as "ane plane hinderer of the promoting and propagating the Evangell in this contrey

1. MS. St. Andrews Presbytery Records, 2 August 1604.

2. Ibid. 23 August 1604.

3. Ibid. 10 January 1605.

4. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 10 June 1589.

not onlie in discipline bot also in sincere preiching thair of and ane man laboring be indirect meinis to hinder and stay the sam";¹ and it is also reflected in the presbytery's decision in 1597 to oppose any revival of an episcopate under the guise of ecclesiastical commissioners in parliament.² Further south some thirty members of the synod of Merse roundly declared for presbytery in 1586 in a subscription in which they condemned the "Black acts" of 1584, "no wise allowing of that tyrannicall supremacie of bishops and arch-bishops over ministers, and their lawes, which directlie repugne to the law of God".³

Continued opposition to episcopacy at the start of the seventeenth century can be measured in, for example, the synod of Perth's antipathy in 1607 to the introduction of constant moderators as the first step towards diocesan episcopacy.⁴ In that same year, the synod of Fife was discharged from meeting on account of the misbehaviour of its members,⁵ and further evidence of the strong commitment to presbyterian principles of the ministers in the Merse, as earlier typified in the subscription of 1586, is forthcoming in the refusal in 1607 of the presbyteries of Chirnside, Duns and Kelso to accept constant moderators,⁶ and also in Jedburgh presbytery's steadfast reluctance to acknowledge the jurisdiction of bishop Law,

1. Ibid.

2. Ibid. CH2/121/2. 3 May 1598.

3. Calderwood, iv. 604-5.

4. R.P.C. vii. 385-391, 521-3.

5. Ibid. 440.

6. Ibid. 453, viii. 102-3; Calderwood, vi. 680-1.

their "pretended visitor".¹ In the west, Ayr was another presbytery which showed itself particularly reluctant to accept a constant moderator.²

Hostility to bishops continued unabated in the synods of Fife and Lothian in 1610,³ and the presbytery of Haddington, in particular, indicated its disinclination in that year to accept any discipline or government other than that formulated along the lines of the second Book of Discipline.⁴ Even in the north east, an expression of loyalty towards the warded ministers, who attended the Aberdeen assembly in defiance of the king, is revealed in the decision of the ministers of the diocese of Aberdeen to make a collection "for relieff of the brethren in waird".⁵ Whether or not this can be taken as implying approval of their action is quite another matter, for, by then, even the bishop of Ross was thoroughly disenchanted with the king's severity towards the warded ministers.⁶

In geographical terms, the distribution of Melvillian preachers conforms to a fairly familiar pattern. Of those known for their presbyterian sympathies, and whose parishes have been identified, a decided majority were active in east and south east Scotland. Just under 68% were concentrated in Fife, the Lothians and the Merse. The kingdom of Fife alone accounted for some 22%,

1. Calderwood, vi. 712ff; R.P.C. viii. 103.

2. R.P.C. vii. 431-2.

3. Calderwood, vii. 119-123, 126-129.

4. Ibid. 125-6.

5. Extracts from the Presbytery of Ellon, 58.

6. R.P.C. vii. 105.

the Lothians had slightly more than 20% and the province of the Merse possessed around 26%. On the other hand, Perthshire south of the Tay together with Kinross and Clackmannanshire had only around 11%, Stirlingshire a mere 3% and the remainder was divided equally between the radical south west, with 9%, and the so-called conservative north east with 9%.¹ Helpful as these statistics are in providing some tentative indication of the geographical distribution of Melvillian preachers, they remain at best only provisional due to the haphazard and random nature of the evidence from which they are adduced. Mention has already been made of Stirling presbytery's support for Melvillian principles, despite the fact that relatively few influential presbyterians have been traced in Stirlingshire, and the same sort of picture also holds good for Glasgow and the south west. From the apparent absence of any presbyterian leadership in the west (after Melville's departure to St. Andrews in 1580), it would certainly be unwise to assume that the majority of ministers there favoured an episcopal system, for this was the very period, it would seem, when the groundwork was being laid for the covenanting fervour of the presbyterian south west, which erupted so dramatically in the following century; and even within the country at large it was not until the seventeenth century, it would seem, that the existence of an organised and militant episcopal party ceased to be an illusion.

1. Many ministers in the course of their careers moved from one parish to another and from one area to another but the above statistics are taken from parishes where they served at a time when they are known to have been particularly active in the anti-episcopal cause. John Durie, for example, is regarded as minister of Edinburgh and not minister of Montrose, and so forth.

It is true that it was predominantly in the east - in Fife and the Lothians - that the highest proportion of active presbyterians are to be found but this was an area which had still an archbishop in Adamson who, though repudiated by the church, enjoyed favour at court and consequently served as a rallying point for presbyterian opposition. St. Andrews itself was scarcely large enough to accommodate both Melville and Adamson, and it was perhaps in the diocese of St. Andrews, more than anywhere else, that the presbyterian leadership came into conflict with the episcopal authorities. It is not surprising, therefore, that presbyterianism in the east should be more vociferous than its counterpart in the west where the absence of an active archbishop of Glasgow or bishop of Galloway left presbyterianism in the west not only unfettered but also, oddly enough, unorganised and seemingly leaderless.

Yet just as the reformation had been primarily an east coast phenomenon, so too did the Melvillian movement from its very inception derive much of its strength from the burghs, market towns and fishing ports, the natural meeting places and centres of contact, along the eastern seaboard; and it would not be absurd to postulate some correlation between the two, for by and large it remains true that those radical areas which accepted reforming principles were also particularly receptive and responsive to presbyterianism. At the reformation, "the greatest fervency", we are told, "appeared in the Mearns and Angus, and Kyle and Fife and Lothian".¹ Equally, from the border towns to Edinburgh, from Coldingham, Haddington, Gullane,

1. Wodrow Society Miscellany, i. 54.

Prestonpans and Musselburgh in the east, northwards to Stirling, Dunfermline and the Fife ports of Kinghorn, Dysart, Pittenweem, Anstruther, Crail and St. Andrews, and from Perth and its environs to Dundee, Murroes, Montrose and Aberdeen stretched communities and congregations who had chosen for their ministers men well-known for their presbyterian disposition. Even north of the Tay, there were at least a dozen or so congregations who supported Melvillian preachers, and the city of Aberdeen could claim among its presbyterian divines not only Arbuthnot but also John Macbirnie, a man openly critical of the estate of bishops, and Robert Howie who in the 1590's was still talking of "Anglican pseudo-episcopacy".¹ The ecclesiastical conservatism of Aberdeen associated with the "Aberdeen doctors" was, it would seem, more of a seventeenth century phenomenon. Even in the west, presbyterianism in the sixteenth century seems to have developed strongest roots along the coast from Glasgow and its surroundings to Kilwinning, Ayr and Wigtown in the extreme south west.

Traditional and historic reasons there undoubtedly were for the geographical distribution of the Melvillian movement in those areas which had been particularly receptive to radical and reforming influences. The growth of Melvillianism was further assisted and even perpetuated by the fact that the majority of assemblies all met in areas where a high concentration of presbyterian preachers can be detected. Of thirty four assemblies (or conventions) which met between August 1575 and March 1595/6, all but seven were held in the

1. J.K. Cameron, Letters of John Johnston and Robert Howie, xlviïï, 303, 310, 316f.

capital, and, of the remainder, only one was held in the west and a mere three north of the Tay.¹ Remoteness from Edinburgh and the comparative geographical isolation of the south west and north east may also have been a contributing factor, and, while the sixteenth century Scots' capacity for travel should not be underestimated, it was obviously much less arduous and less expensive for commissioners from Fife and the Lothians to attend assemblies held in the south in considerably larger numbers. This tendency is revealed, for example, in the composition of the Edinburgh assembly of August 1590, at the height of the Melvillian ascendancy, in which there were present twenty five commissioners - all of them ministers - from the lands north of the Tay, some fifty four representatives from southern Perthshire, Stirlingshire, Clackmannanshire and Fife, forty eight members from the Lothians to the borders and another twenty eight from the west and south west.² In other words, almost 66% of the assembly's total membership came from central and east Scotland south of the Tay, just over 17% from north of the Tay, and 19% from Glasgow and the south west - figures which, incidentally, coincide more or less with the proportion of Melvillian ministers detected in those respective areas.

1. Assemblies held in Edinburgh: 27; Stirling: 1; St. Andrews: 2; Dundee: 2; Glasgow: 1; Montrose: 1; cf. Calderwood, viii. 308-311.

2. B.U.K. ii. 762-767. In the assembly of November 1602, from a total membership of 91 ministers and seven burgh commissioners, just under 34% of the ministers came from north of the Tay, 23% from Glasgow and the south west and 43% from Scotland south and east of the Tay. B.U.K. iii. 974-79. By 1610, however, there were almost as many members north of the Tay as there were from the south in the assembly which approved episcopacy. B.U.K. iii. 1085-91.

From the outset, the Melvillian movement seems at first sight to have been markedly urban in character, drawing much of its strength and support from the burghs. The radicalism of the burghs so conspicuous at the reformation did not disappear in 1560 but continued to penetrate society in innumerable different ways, and provided an ideal spearhead for disseminating presbyterian thought in the surrounding countryside. The exercise of its very nature was invariably an urban phenomenon, and it was no accident that the thirteen model presbyteries, chosen in 1581, "to be exemplars to the rest" were all - apparently with one exception - strategically placed in the burghs of the central lowlands: Edinburgh, St. Andrews, Dundee, Perth, Stirling, Glasgow, Ayr, Irvine, Haddington, Dunbar, Chirnside, Linlithgow and Dunfermline¹ - many of which were or subsequently became centres of known Melvillian influence.

Indicative, too, of the success of the movement in "capturing" the burghs is the fact that its leadership was almost entirely drawn from and concentrated within the burghs: Melville, Johnston, Wallace and Black in St. Andrews; Durie, Pont, Balcanquhal, Lawson, Bruce and Watson in Edinburgh; Davidson in Prestonpans; Carmichael, in Haddington; Archibald Simson in Dalkeith; Patrick Simson in Stirling; Ferguson in Dunfermline; Galloway in Perth; Gibson in Pencaitland (a burgh of barony); Smeton in Paisley; Andrew Hay in Renfrew, and so forth. Melvillianism was perhaps at its most successful in the burghs and it was there that it possibly made its greatest appeal. It is certainly not easy to point to any member

1. Calderwood, iii. 523; B.U.K. ii. 482.

of the innermost circle of Melvillians who had not at one time or another occupied a burgh pulpit. Presbyterianism, moreover, with its emphasis on equality and "plurality of votes" or majority decisions, with its government centred not on individuals but in an integrated structure of church courts was well equipped to meet the needs and aspirations of an urban society. It fitted in well with the organisation of burgh government and in many respects was complementary to it. The brotherhood of the merchant and craft guilds had a parallel of sorts in the exercise and ecclesiastical courts: the secrecy of the guilds was also a feature of the kirk session; and the convention of royal burghs had certain points of similarity with the general assembly of the church. The town council headed by the provost with its elected representatives from the merchant and craft guilds likewise had a counterpart in the kirk session, chaired by the minister, with its elected elders and deacons.

The response of the burghs to Melvillian teaching is thus quite striking, and it is possible, too, to point to certain burghs where the town council and congregation seem to have exhibited a decided preference for presbyterian preachers. Perth, Cupar, Dunfermline, Crail, Dysart, Anstruther, Ayr, Paisley and, of course, Edinburgh were all towns which had a succession of at least two consecutive presbyterian ministers, and Dalkeith, though unsuccessful, wished to have John Davidson as well as Archibald Simson as minister.¹ Edinburgh and Ayr, in particular, must have been well aware of royal and episcopal opposition to their choice of ministers. Yet in 1586

1. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 22 January 1589/90.

Edinburgh town council went so far as to agree that Walter Balcanquhal, the presbyterian exile of 1584, should receive his stipend for the period of his absence in England¹ and in Ayr, the town council likewise remitted John Welsh's stipend for several years after his banishment for attending the Aberdeen assembly of 1605 and thereafter declining the privy council's jurisdiction in matters spiritual.² It would not be an unreasonable inference, therefore, to conclude that the burgesses of these and similar towns were on the whole sympathetic to the presbyterian cause.

The burgh itself may be perhaps a somewhat arbitrary yardstick to distinguish an urban from a rural society, for many from Alford in the north to Maxton and Langton in the south must have been small by any standards. Even so, the burgh, small as it might be, remained a self-governing and privileged community, more akin to that of the town or city than to the traditional organisation of rural society. That the leadership of the movement was directed from the urban environment of the burghs does seem plain enough, though it would be misleading to convey the impression that presbyterianism was contained merely within the confines of the burghs. A closer scrutiny of the wider movement, at grass-roots level, underlines the fact that there were as many Melvillian ministers who held rural parishes, as there were those in control of burgh pulpits. Within the province of the Merse only nine out of thirty three parish ministers, whose sympathies were undisguisedly Melvillian, had burgh churches. The same pattern holds good for Fife as well where again only nine out

1. Edinburgh Burgh Records, iv. 455.

2. Ayr Burgh Accounts, 231, 235, 239, 243, 249, 251.

some twenty two parishes served by Melvillian ministers had burghs at their centre. In the country between the Forth and the Tay, excepting Fife only two out of thirteen parishes under presbyterian control were burghal in character; and in Stirlingshire, the figure was only one out of four. North of the Tay there were as many rural as urban parishes served by presbyterian ministers; in the west of Scotland, only seven out of a dozen parishes with Melvillian ministers had burghs as their nuclei; but in the Lothians only four of fourteen Melvillian parishes were predominantly rural, the remaining ten being essentially urban in character.

Broadly based both in the burghs and in the surrounding countryside, presbyterianism had obviously a wide appeal. Everything of course depended on the choice of minister, and who was to make that choice was obviously of crucial importance. Should the right to elect a minister reside with the congregation or with the patron or ought that power to be invested in the kirk session or presbytery? And would patrons as members of the landed interest be prepared to sponsor outspoken presbyterian ministers? The church of Knox and Melville had certainly never lost sight of the absolute necessity of respecting the congregation's rights,¹ but the very existence of lay patronage confirmed by statute law inevitably necessitated compromise "unto the tyme the lawes be reformed according to the Word of God",² Parliament in 1567 had recognised that only qualified candidates examined and approved by the church could succeed to the lesser

1. Knox, *Works*, ii. 189, 190-1; *History*, ii. 284-5; *B.U.K.* i. 16; ii. 509; Calderwood, ii. 186; iii. 551-552.

2. *B.U.K.* ii. 564-5; Calderwood, iii. 615.

benefices.¹ This had effectively secured for the ministry an exclusive right to succeed first to the smaller benefices and after 1572 to the greater benefices as they fell vacant,² while an act of 1573 provided machinery for the deprivation of beneficed men who refused to conform to the reformed religion.³

By utilising the benefice system for financing the ministry the church could not escape the implications of its action. The rights of patronage were quite inextricably interwoven with the beneficial structure. Strictly speaking, the rights of the patron were confined to the presentation of a candidate to a benefice having curam animarum, normally either to the vicarage or parsonage, or both, and not with the actual election of a minister to a parish church. It was only when a presentee was expected to serve at the church in the same parish where the benefice lay that a conflict between the rights of patron and parishioners might develop. A survey of royal presentations from 1567 onwards does, however, indicate that in a majority of cases the candidate was simultaneously admitted to the church as well as to the benefice of the parish, though a sizeable proportion of presentations specified benefices in parishes where the candidate was already minister. Here, in this second instance, the patron had to be content to play second fiddle; and in a good many other cases a minister, elected by the congregation would often serve at one parish church and then secure a presentation to a benefice

1. A.P.S. iii. 23, c.7.

2. B.U.K. i. 209-13; Calderwood, iii. 172-77.

3. A.P.S. iii. 72; cf. B.U.K. i. 212; Calderwood, iii. 175-6.

which could be situated almost anywhere.¹

By no means every minister possessed a title to a benefice. Many benefice holders who satisfied the terms of the 1573 act declined to serve in the reformed church. Conversely, a not insignificant number of ministers were dependent upon stipends derived from sources other than the whole benefice. A minister might receive an assignation from the thirds of benefices, or possibly obtain a pension; in the burghs a minister's stipend would normally be financed by the town council from the revenues at its disposal; and in other instances a minister might be supported entirely from a voluntary contribution from his parishioners.² It was, for example, not until 1586 that Patrick Simson, the Melvillian minister of Cramond, received a presentation from the king to the vicarage of Cramond,³ and in 1588 when they heard that Edinburgh had invited Simson to be their minister, the parishioners of Cramond revealed to the presbytery "thingis quhilk utherwayis Christian modestie wald haif conceillit", recalling how they had collected a voluntary contribution for Simson's support when he had no stipend, and how they had built a manse for him at their own expense.⁴

So long as appointments were not restricted to the minister of

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1. *R.S.S.* vi-vii, *passim*. (1567-80). Thereafter unpublished presentations are to be found in *S.R.O.* CH4/1/2 (Register of Presentations, vol. 2) and *PS1/59*, *etc.* (Register of the Privy Seal).
 2. *E.U.L. MS. La.II.14*. Visitation of the Diocese of Dunblane: visitation of Kincardine church, 10 October 1586.
 3. *S.R.O.* CH4/1/2. *MS.* Register of Presentations, fo. 170v; see also CH2/121/1. *MS.* Edinburgh Presbytery Records, 30 August 1586.
 4. *S.R.O.* CH2/121/1. *MS.* Edinburgh Presbytery Records, 16 April 1588.

the parish church where the benefice lay and given a situation where by no means every minister possessed a benefice, it was certainly not inevitable that the patron's rights would always infringe on those of the congregation. Even where a candidate secured admission both to the church and to the benefice of a parish, it was not altogether unknown for a patron to safeguard congregational rights by specifying in the presentation that the superintendent give collation "if he findis him sufficientlie qualifit in the premissis and having the benevolence and electioun of the parrochinnaris",¹ and while such an expression was probably unique in the official styles of presentations, it may not have been altogether uncommon for a godly patron to take the congregation's wishes into account. It was in his own interest, after all, to secure a choice satisfactory to all, since the commissioner or presbytery to whom the presentation was directed, in examining the candidate's ability, invariably ensured that the congregation approved of the presentee as a pastor.

In an effort to introduce some logic into the tenure of benefices, and to resolve the chaotic situation presently operating, the assembly decreed in 1578 and again in 1580 that presentations to benefices should be confined to the minister of the parish where the benefice lay.²

It was as a result of this act that Archibald Livingston, for example, as parson of Culter indicated to Stirling presbytery in 1583 that "becaus he was lawfullie provydit to the parsonage of

1. R.S.S. vi. 82.

2. B.U.K. ii. 409, 462; Calderwood, iii. 404, 467.

Cultir, he acknawlegit him self to be bund thairby of his deuatie to serve in the cuir of the ministrie at the kirk thairof, and to the effect he may entir in the said cuir with the bettir ordur desyris the brethrein of this presbyterii to gif him thair testimoniall of his lyf and conversatioun direct to the presbyterii of Lainrig".¹

The implementation of the assembly's enactment meant that sooner or later vacancies to benefices and parish churches would occur simultaneously, a development which could only contribute towards exacerbating the tension inherent between the rights of patron and parishioners on the choice of minister. At the same time, there were also signs of a marked proliferation in the ranks of patrons. The transfer of patronage by the crown to numerous earls, lords and barons - the lords of erection - following the act of annexation in 1587 was seen by the assembly as decidedly detrimental to the interests of the church, and that same act which went so far towards the extinction of the episcopate became the object of attack, ironically enough, from the presbyterian controlled assembly which called for an end to the disposition of crown patronage and for an annulment of the rights already alienated.²

Considerable litigation could occur over disputed titles to benefices, not least when a benefice had been granted simultaneously to two different parties,³ but this was not necessarily related to disputes arising from the conflicting rights of patron and congregation.

1. MS. Stirling Presbytery Records, 8 October 1583.

2. B.U.K., ii. 733, 746, 784; Calderwood, v. 135.

3. E.g. R.P.C. iii. 95-6, 495-7, 556-7, 723-4, 756.

A candidate was normally required to preach for three successive Sundays in the church of the parish where he was presented, and only if the congregation was satisfied with the choice would the presbytery proceed to admit him to the church and give him collation to the benefice. Yet, while the parishioners could thus give or withhold their assent, the election itself cannot be regarded as in any sense "free". The voice of the parishioners remained a negative one. Once a presentee had been approved by the presbytery but rejected by the parishioners, the complaint, were it to succeed, had to be well founded, and where a congregation was composed of the patron's tenants or where the landed gentry dominated a kirk session, the congregation's role in the election was likely to be an entirely passive one.

Many presentations, perhaps a majority, went forward without friction or controversy. When, for example, the commendator of Paisley presented Archibald Glen to the ministry at Rutherglen, two bailies, as elders, intimated to the presbytery the willingness of the kirk session and the whole town to receive Glen as pastor.¹ This instance was typical of many where patronage operated smoothly enough but the system itself to which presbyterianism was opposed was not without its shortcomings and weaknesses which are well illustrated in a disputed election in the parish of Eddleston near Peebles in 1592.

A petition from the parishioners of Eddleston to the synod of Lothian and Tweeddale in April 1592 for provision of a minister was

1. G.C.A. MS. Glasgow Presbytery Records, fo. 66r., 30 March 1596.

remitted to Edinburgh presbytery with full power from the synod to present a candidate to the vicarage and parsonage iure devoluto in the event of the patron's failure to present a qualified minister.¹ On instructions from Edinburgh presbytery, Peebles presbytery invited the lord chancellor as patron to present a qualified candidate otherwise the church would dispose of the benefice iure devoluto.² The lord chancellor, however, asked Edinburgh presbytery to delay proceedings until he had consulted lord Yester, and in July a procurator for lord Yester produced a presentation in favour of James Hay. The choice of candidate did not go uncontested, for the laird of Blackbarony as commissioner from the parishioners protested to the presbytery that the "parishioneris had valid ressones to give in" against the presentee.³ The presbytery agreed to hear their objections but it continued with its examination of Hay's doctrine which it found to be sound. A stumbling block, however, was the candidate's age: he was not sufficiently old to qualify for the ministry, and this was the heart of the complaint voiced by the lairds of Blackbarony and Haltoun, younger, who in name of the parishioners objected to the candidate's youth and his inability to govern. Since the lairds could produce no written commission from the parishioners, and since parties for lord Yester maintained that the congregation was willing to accept the presentee, the presbytery decided to send one of its members to the parish and there charge

1. S.R.O. CH2/252/1. MS. Synod of Lothian and Tweeddale Records, fo. 44v, 26 April 1592.

2. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 13 June 1592.

3. Ibid. 20 June, 4 July, 26 July 1592.

every man upon his conscience to declare what he had to say against the choice of candidate.¹

Investigations showed that most of the parishioners were against Hay's admission and the presbytery thereupon referred the matter back to the synod for determination, willing both Hay and lord Yester to attend the synod's next meeting.² After approving the presbytery's proceedings, the synod, for its part, insisted that the patron present another candidate. Present at the synod were the lairds of Blackbarony and Haltoun, younger, who promised on behalf of the congregation to accept any minister which Edinburgh presbytery found qualified.³ In October, Alexander Hay, clerk register, reminded the presbytery that the patron was not lord Yester but the lord chancellor and therefore requested an adjournment, but after a series of delays the presbytery finally discerned the benefice to be vacant in their hands iure devoluto and a number of commissioners were appointed to raise with lord Yester the matter of providing an appropriate stipend. No headway was made, so the presbytery proceeded to nominate George Kinnaird who was to preach for two or three Sundays at the church for the parishioner's benefit and then to return the congregation's answer to the presbytery.⁴ Faced with this new development, the laird of Blackbarony and lord

1. Ibid. 1 August, 22 August, 29 August, 5 September 1592.

2. Ibid. 12 September 1592.

3. S.R.O. CH2/252/1. MS. Synod of Lothian and Tweeddale Records, fos. 45v.-46r. 3 October 1592.

4. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 24 October, 14 November, 21 November, 5 December, 26 December 1592; 2 January 1592/3, 16 January 1592/3.

Yester agreed to present a qualified candidate and promised not only to provide him with a stipend of 380 merks but also to "uphold" the choir, build a manse, furnish the communion elements and free the minister from all taxations.¹ Satisfied with the outcome, the presbytery allowed a fresh presentation within a certain date, and after an initial difficulty over the date given in the presentation, the presbytery agreed to examine the qualifications of James Logan, a resident of Leith. The parishioners were given an opportunity to object, though George Pringle of Haltoun, commissioner from the parishioners, signified to the presbytery that the parishioners were agreed that Logan, as a man who in their opinion was sound in doctrine, should be admitted pastor. In June 1593, the presbytery finally granted Logan's application for collation to the benefice more than a year after the parishioners' original request for a minister.²

The difficulties surrounding the election at Eddleston were by no means unique. In January 1600, lord Fleming requested Glasgow presbytery to examine a candidate "nominat be his lordship" to the ministry at Lenzie. The person of Fleming's choice declined to accept, and so Fleming nominated a second candidate but negotiations with the presbytery over the provision of a stipend led Fleming to enlist the support of the abbot of Cambuskenneth, and whatever the nature of Fleming's "nomination", it is clear from a presentation of 21 April 1600 that the candidate was subsequently presented to the

1. Ibid. 13 February 1592/3.

2. Ibid. 20 February, 6 March, 20 March 1592/3; CH2/121/2. 17 April, 29 May, 5 June, 26 June 1593.

vicarage of Lenzie not by Fleming but by the commendator of Cambuskenneth. No objections to the choice of candidate were forthcoming from the congregation, and six elders including several lairds, for themselves and at the command of lord Fleming and the whole parish, agreed that the prospective minister should be appointed pastor. The only dissident voice came from Ninian Drewe who claimed to have served at Lenzie for eighteen years and who alleged that the presbytery, without the advice of the synod or its commissioners, was not competent to judge admissions. At this the elders protested since Drewe had already been deposed from the ministry, though Drewe, in turn, complained that he had not been lawfully deposed and had appealed to the general assembly. His objections, however, were dismissed and George Sloan became the new minister at Lenzie in accordance with the presentation in his favour by the commendator of Cambuskenneth.¹

What effect patronage had on the choice of a presbyterian minister is by now almost impossible to discover. Presbyterianism, it is true, had always been critical of patronage in a way in which episcopacy had not, but the presumption that the system operated against the appointment of Melvillian ministers is one which would be hard to prove. It may, on the contrary, be indicative of the gentry's support for, rather than of their opposition to, the Melvillian cause that the presbyterian high command failed to press forward their views on patronage to their logical conclusion and insist on its total abolition. The absence of a sizeable number of

1. G.C.A. MS. Glasgow Presbytery Records, 8 January 1600 - 20 May 1600, fos. 142v., 144r., 148r.-v., 149v., 150v., 152r.-153v., 154v.-155v.

presentations, other than those of the crown, makes investigation exceedingly difficult; and while the identity of a number of patrons can be gleaned from the register of the great seal and from retours of heirs it still cannot be demonstrated (except possibly by collating this evidence with that forthcoming from the register of assignations of ministers' stipends) whether or not many leading presbyterians were presented simultaneously to a church and benefice by a patron.

It is not without relevance, however, that the earl of Morton should present the presbyterian John Colden to the parsonage of Newlands in 1592,¹ or that William Livingstone, another presbyterian, should receive a presentation from lord Livingston to the benefice of Kilsyth, there to serve as minister.² The latter presentation appears to have been something in the nature of a dynastic appointment, and lord Livingston, whose wife was suspect in her religion and finally excommunicated as a Catholic,³ was no archetypal godly patron. Whatever his motive, the earl of Morton, on the other hand, was determined to secure Colden's admission to the benefice. At first Edinburgh presbytery had declined to give Colden collation on the grounds that Adam Dickson served at Newlands parish church, and that to have admitted Colden to the benefice would have been contrary to the acts of assembly, but when the presbytery required the earl

1. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 2 May 1592.

2. G.C.A. MS. Glasgow Presbytery Records, fos. 126v., 127v.
3 July, 10 July 1599.

3. MS. Stirling Presbytery Records, 6, 27 November, 11, 18 December 1593; 31 January, 6 March 1593/4; 27 March 1594; 24 September, 1 October, 10 December 1595; 7 April, 7 July, 1, 15, 29 December 1596; 12 January, 2 February, 9 March, 1596/7; 13 June 1599.

to present Dickson to the parsonage, Morton threatened to retain the fruits of the parsonage in his own hands in accordance with the acts of parliament, and finding itself "straittit be virtew of the laitt act of parliament maid in favour of patrons of benefices", the presbytery finally agreed to give Colden collation if Colden in turn would make some provision for Adam Dickson.¹

On a broader perspective, it does, however, emerge that a decided majority of presbyterians presented to benefices by the crown already served as minister of the parish where the benefice lay prior to presentation, and it is safe to assume that their election was therefore congregational.²

Even where patronage was excluded, the responsibility for the choice of minister - be he a presbyterian or not - had still to rest somewhere, and was there really so great a difference between one individual choosing a candidate with the congregation's consent, and the kirk session or a group of prominent parishioners on behalf of the rest making that same choice? If a patron's presentation was by nature autocratic, a parish election was often aristocratic or oligarchic in character; but whatever the method of appointment, in a church where the minister was subject to regular inquisition of his doctrine, life and manners by the gentlemen and parishioners as well as the kirk session, it is highly probable that a lively interest would be taken in a candidate's views on church government. When a parish lacked a minister, one or more commissioners, who in rural

1. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 2 May, 9 May, 13 June, 20 June 1592.

2. See "Census" below.

parishes were frequently lairds, themselves elders of the kirk, appeared before the presbytery in name of the session or parishioners and requested the presbytery to provide their church with a qualified minister. In its choice of the presbyterian Henry Livingstone, as minister, St. Ninians, a large rural parish with a powerful group of lairds on the session, provides in some of its aspects a microcosm of sorts for the activities surrounding the congregational election of ministers in the wider church.

In June 1587, on the death of their minister, Alexander Seton of Gargunnoch and Duncan Nairn of Lockshill as commissioners "in the name of the parochinaris of S. Ninianis kirk" presented a leet of three prospective candidates of their choice to Stirling presbytery for examination, so that those whom the presbytery found qualified to preach could then "be presentit to the particular assembleie of the said paroche kirk, thair to be vottit be thame quhome thai sould think maist meit to the said offeice, and thaireftir that persone to be admittit pastor to the said kirk according to the ordur". To this the presbytery agreed. On learning, however, that a "particular assembleie of sum of the elderis and deacunis and utheris of the said parochin" were about to elect and admit a minister without its consent, the presbytery condemned their proceedings as "plane repugnant to God's Word and gude ordur" and proceeded to remind this independent-minded congregation that "the admissiōne of all ministeris is onlie in the handis of the presbyteriis and utheris assembleis of ministeris".¹ Independency was not a tradition encouraged by the

1. MS. Stirling Presbytery Records, 13 June, 18 June, 4 July, 8 August, 17 August, 22 August, 1587.

church of Scotland in either of its presbyterian or episcopalian phases.

After trial of the candidates' abilities, the presbytery required the "elderis, deaconis and utheris discreit personis" to hear each of the candidates preach and thereafter "to convey thame selffis in ane assemblie immediatlie after the sermond to advys how thai find thame selffis edefeit" with the candidates' doctrine. But when the presbytery asked which of the candidates the parishioners wished to have as minister, a further complication arose, for the commendator of Cambuskenneth had promised to report to the synod whether or not a fourth candidate, David Hume (apparently the Melvillian who had shared exile with the abbot in England in 1585),¹ "wald accept on him the ministrie of the said kirk as was appointit be the generall assemblie or not".² In the end, however, it was the presbyterian Henry Livingstone, a graduate of St. Andrews, who was chosen by the parishioners as minister.³ Such was the nature of a congregational election at St. Ninians.

The term "parishioner" is, however, a word which requires interpretation. It does seem to have been used as a discriminatory term, apparently not inclusive of every inhabitant of a parish, nor even of every male resident. Whether it even applied to the head of every household is perhaps open to doubt. It denoted rather the

1. Calderwood, iii. 348, 421.

2. MS. Stirling Presbytery Records, 22 August, 12 September, 19 September 1587.

3. *Ibid.* 10 October, 17 October 1587; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: visitation of St. Ninians, 15 October 1587.

"honest discreet men" of the parish, the weightier elements in the community: the gentlemen and heritors and possibly the husbandmen, rather than the smaller sub-tenants, cotars, servants and farmworkers, the "poor labourers of the ground" for whom the church had shown such solicitude but who nevertheless seem to have remained quite outwith the franchise in these matters. It is true, however, that in 1595 Glasgow presbytery required Robert Muir "and the haill men parochineris of Nilstoun" to be present to inspect an act of synod made in favour of Andrew Law as minister of Neilston and it is equally true that certain parishioners also subscribed a commission partly in their own hands for themselves and their tenants appealing from the judgment of the presbytery,¹ but it is still doubtful whether the tenants as such were included within the category of "parishioner". It is at any rate revealing that Stirling presbytery, after asking the parishioners of Alva to suit for a new minister, should particularly value the judgment of Menteith of Carse and John Colville, bailie to Colville of Wemyss, the "principal men of the parochunis of Alvayt and Tullicultirie".² In Muckhart, the presbytery took cognition of the opposition of "sundrie honest discreet men of the said parochin" and declined to admit Andrew Kirk, the reader, as minister of the parish.³ At Fossoway, it was likewise the "gentill men and uther discreet men" who were to hear a candidate preach and then to advise Stirling presbytery of their decision.⁴ In

1. G.C.A. MS. Glasgow Presbytery Records, fos. 50v., 56v. 20 May, 15 July 1595.

2. MS. Stirling Presbytery Records, 14 October 1589.

3. Ibid. 18 November 1589.

4. Ibid. 9 February 1590/1, 16 February 1590/1.

Clackmannan, two lairds as commissioners from the parishioners petitioned the presbytery to admit a particular candidate;¹ in Soutra it was "the gentillmen and parochinaris" who craved a certain minister;² at the admission of a minister at Neilston, the presbytery paid particular attention to the views of the laird of Caldwell as one who "hes speciall entres in that mater";³ and at Kemback it was the lairds of Blebo and Kemback who, on their own behalf and in the name of the parishioners, desired George Nairn as minister but it is, at the same time, interesting that Nairn should think fit to point out to the presbytery that "the contract wes not subscriyvit be the holl parochineris quhilk he cravit to be don befoir his admissioun".⁴

In the absence of any rural body equivalent to the town council, the kirk session in country parishes was of particular importance in determining the choice of minister. In Kippen, it was Shaw of Brocht who in name of the kirk session presented to the presbytery their choice of pastor;⁵ in Kemback, two lairds commissioned by the kirk session willed the presbytery to admit a certain candidate;⁶ and in the parish of Airth, John Bruce, a brother of the laird, and George Bruce "in Airth", two elders, together with a deacon on the session, intimated to Stirling presbytery on behalf of the session, the congregation's choice of minister.⁷

1. Ibid. 15 June 1591.

2. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 20 July 1592.

3. G.C.A. MS. Glasgow Presbytery Records, fo. 54r. 17 June 1595.

4. MS. St. Andrews Presbytery Records, 4 November [1596].

5. MS. Stirling Presbytery Records, 12 March 1587/8.

6. MS. St. Andrews Presbytery Records, 10 January 1605.

7. MS. Stirling Presbytery Records, 12 December 1587.

The influences exercised in country parishes on elections, either congregational or by presentation, are on the whole too diffuse, too varied, too complex and subtle to indicate any bias in favour or against the choice of presbyterian candidates, but it may have been more than coincidence that the burghs, the strongholds of militant presbyterianism, should have come closest towards holding representative, if not genuinely free, elections. Since the reformation, the crown seems tacitly to have renounced any say in the election of ministers in the royal burghs. In the major burghs like Edinburgh with a motley array of Melvillian ministers, financed from city resources, and not dependant on securing a benefice, it was the town council and kirk session, acting on behalf of the whole community, which were responsible for the choice of minister.

Despite the inevitable oligarchic tendencies in such a system, both the council and session as elected bodies could claim to be in some sense representative; and it was not until after the December riot of 1596 that the king insisted on vetting the choice of city ministers:¹ no minister was to be appointed to an Edinburgh pulpit without the king's prior consent.² Similar stipulations also applied in Aberdeen where the election of a city minister in 1598 proceeded only after the bishop, minister, provost and bailies had received a commission from the king empowering them to choose a successor to Howie who had left for St. Andrews.³ "Representand the haill bodie of the towne", these commissioners, along with a group

1. B.U.K. iii. 892; Calderwood, v. 615.

2. R.P.C. v. 356.

3. Aberdeen Council Letters, i. no. 74.

of prominent citizens including the principals of Aberdeen's two colleges were then charged by the town council, as men who "can descerne better in the said matter nor a communaltie", with the election of a suitable minister for the burgh.¹

Generally, however, where they acted in unison the kirk session and town council became in effect the arbiters of the election. In 1582, two bailies, themselves elders on the session, together with two presbytery elders, reported to the presbytery on behalf of the kirk of the burgh that the parishioners of Stirling had chosen James Anderson to replace Montgomery as minister according to the act of assembly.² The same system operated in the Canongate where commissioners from the church and council reported to the presbytery that they were agreed that the presbyterian Henry Blyth should be admitted as their minister;³ and in Glasgow at the election of Rowat, the kirk session was first to signify its approval followed by Sir Matthew Stewart of Minto, provost and bailie of the regality, and Robert Chirnside of Over Possile, a bailie and commissary, and last of all the presbytery appointed two ministers to convene with the town council for recommendation of Rowat as minister.⁴

In its "fre electioun"⁵ of a pastor, St. Andrews, a university town surrounded by a large rural parish, provides a variation on the

1. Aberdeen Burgh Records, ii. 193-7.

2. MS. Stirling Presbytery Records, 4 December 1582.

3. S.R.O. CH2/121/2. MS. Edinburgh Presbytery Records, 14 February, 28 February, 21 March 1597/8; 28 March, 9 April 1598.

4. G.C.A. MS. Glasgow Presbytery Records, fos. 52v., 53v., 54v., 55v. 3 June, 17 June, 1 July 1595; cf. Glasgow Burgh Records 1573-1649, 169.

5. R.St.A.K.S. ii. 642.

same theme. There the various elements of town, gown and gentry all had their say. At the election in 1589 of the presbyterian Robert Bruce, an appointment which never became effective, each of these sectional groups submitted its own leets to the kirk session, and there commissioners representing each interest met together to determine the final choice.¹ This same procedure also appears to have been observed at the election of another presbyterian minister in 1590 where "the maist speciallis of the haill parochin alsueill to land as burth" unanimously chose as pastor the provocative David Black "quha wes specialie recommendit to thame be the Generall Kirk".²

Where the session and council failed to reach agreement on the choice of candidate the more democratic procedure of taking a vote from the inhabitants as a whole was adopted instead. In 1593 the general assembly had nominated the presbyterian Robert Wallace as Black's colleague in St. Andrews and had given commission to the presbytery to discover whether or not the town and university were agreeable to the appointment.³ The kirk session gave its consent,⁴ and a number of individuals "in name of the townn and communaltie of St. Andros" likewise reported their approval of Wallace to the presbytery, "and producit for that effect a roll of the subscriptiones of the most part of the inhabitantes for thair consent".⁵ The town

1. Ibid. 641-2.

2. Ibid. 682-3, 687-8.

3. B.U.K. iii. 816-17; MS. St. Andrews Presbytery Records, 3 May 1593.

4. MS. St. Andrews Presbytery Records, 10 May 1593; R.St.A.K.S. ii. 751.

5. MS. St. Andrews Presbytery Records, 10 May 1593.

council, however, refused to give its assent to Wallace's nomination, but "culd give na uther reasoun of thair dislyking of him except the weaknes of his voice". Since the provost and magistrates had challenged the validity of the subscription, alleging that the votes in Wallace's favour had been purchased, the presbytery proceeded to examine the method used in sounding the congregation's opinions, and Charles Watson, the notary public, explained how the provost and bailies had convened in the tolbooth to take note of the voting, and another notary who counted the votes showed how there were three times as many who favoured Wallace as there were those who opposed the choice. To ensure that the majority of the town were willing to accept Wallace as pastor, the presbytery decided that the whole inhabitants should report to the presbytery their views on the matter. In all, it was found that no more than thirty three individuals objected to Wallace. The members of the university were also consulted and the rector and masters of St. Mary's reported that their students were unanimously agreed on Wallace's appointment, as did the provost, regents and students of the old college. A further opportunity was afforded to any with objections to raise against Wallace's life, doctrine or conversation but the complaints of the provost and his allies were dismissed by the presbytery as "irreverent and repugnant" to the act of assembly, and although the council refused to provide Wallace with a stipend, the presbytery finding the rest of the town and university to favour Wallace's appointment proceeded to implement the act of assembly, and the kirk session likewise took steps for dividing the town into separate congregations.¹

1. Ibid. 17 May, 24 May, 14 June, 28 June, 25 July 1593.

It was rare enough, however, for the presbytery to step in and appoint a minister. It was not the presbytery's function to dictate the choice of minister but only to examine the candidate's qualifications and ensure that there was no opposition to his appointment. Where a choice existed, it was the responsibility of the parish to indicate its preferences, and not the presbytery, so that there was normally no temptation for a presbytery of strong Melvillian sympathies to use its influence in securing the election of a prominent presbyterian minister. Edinburgh presbytery, it is true, found that it had power in 1588 to transport a minister without his consent,¹ but such an authoritarian decision was in practice tempered by discretion as is clear in the case of John Davidson who refused to accept an invitation to become minister at Liberton;² and when the king wished a minister to be translated from a parish to the office of "lecturie" in the royal household, Haddington presbytery found it quite against good order that a minister be transported without the consent of the parishioners,³ and it also delayed a candidate's admission precisely "because the presbytrie can not intrud him upon the parochineris without their consent".⁴

It is not unknown, however, for a presbytery to recommend a candidate where the parishioners on failing to agree had sought the presbytery's advice, and one possibly unique dispute arose in St.

1. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 4 June 1588.

2. Ibid. 5 November 1588.

3. S.R.O. CH2/185/1. MS. Haddington Presbytery Records, fo. 8v.-9r. 10 April 1588.

4. Ibid. 5 December 1593.

Andrews presbytery in 1591 in which the parishioners of Leuchars finding themselves unable to reach agreement on the choice of minister "becaus sum nominat Mr. Patrik Wemis, sum Mr. Rot. Wallace, sum Mr. Jhone Rutherfurd" had requested the presbytery "to present ane of thir thre unto thame".¹ The dispute which divided the parish, also divided the presbytery where Andrew Melville "with some few that followed him" recommended the presbyterian Robert Wallace, while Thomas Buchanan and the majority of the presbytery are said to have favoured Wemyss. This led Melville and his supporters to set up a rival presbytery in St. Mary's college with the result that both candidates were simultaneously "instituted and admitted ministers to the church upon one day".² Unable to resolve the matter, the synod of Fife had sent Andrew Lamb in October 1592 to the synod of Lothian to report the "dissentioun that was fallin furth amangis the brether of the presbyterie of St. Androis" and to enlist the help of Robert Bruce, David Lindsay, James Balfour and Robert Rollock in settling the dispute.³ Peace was restored by the commissioners from Edinburgh only by resolving that an entirely fresh candidate should be appointed to Leuchars and by recommending that St. Andrews presbytery should be divided in two, with the creation of a separate presbytery meeting at Cupar⁴ - a move which, incidentally, had been made by St. Andrews

1. MS. St. Andrews Presbytery Records, 10 June, 17 June 1591.

2. Spottiswoode, ii. 416.

3. S.R.O. CH2/252/1. MS. Synod of Lothian and Tweeddale Records, fo. 45r. 3 October 1592; MS. St. Andrews Presbytery Records, 14 October 1592.

4. Spottiswoode, ii. 417; MS. St. Andrews Presbytery Records, 14 October 1592. (Note: some of the minutes for 1592 are misplaced in the presbytery records, coming after the minutes of 2 August 1593.) The presbytery of Cupar was erected upon 25 October 1592, see MS. St. Andrews Presbytery Records, fo. 1r.

presbytery as early as September 1591.¹

A similar dispute with less serious consequences arose at Hailes where Edinburgh presbytery at the request of the parishioners proposed leets of six candidates to the kirk of Hailes. Unable to reach agreement, the parishioners asked the presbytery to send commissioners to resolve the matter. When the ministers deputed by the presbytery arrived at Hailes, the parishioners present voted for William Hart, but when disagreement arose, the presbytery ordered a visitation of the church that "every neighbour" might give his preference. On receiving their votes, the presbytery found that a majority favoured James Thomson. One group, however, refused to vote for any and referred the election to the presbytery which recommended that the lairds should convene in the kirk session and decide whether the presbytery should determine the choice in this controverted election. The session refused and wanted Hart as minister. Other parishioners protested at this decision and in the end the presbytery took the election into its own hands and by a majority decision chose Thomson as minister. Only the lairds of Colinton younger and elder objected to the choice and petitioned the presbytery to appoint Hart or a third candidate. The presbytery, however, refused since no legitimate objection against Thomson had been made, and in the end the two lairds likewise agreed to accept Thomson as their pastor.²

1. MS. St. Andrews Presbytery Records, 15 September 1591.

2. S.R.O. CH2/121/2. MS. Edinburgh Presbytery Records, 10 January, 24 January, 14 February, 21 March 1597/8; 28 March, 9 April, 25 April, 2 May, 16 May, 24 May, 13 June, 20 June, 27 June, 4 July 1598.

Occasionally it happened that a presbytery was accused by the parishioners of intruding a pastor without their consent but investigations usually proved complaints to be ill-founded. In 1592, the presbytery of Stirling and Dunblane was empowered by the assembly to examine a case of alleged intrusion brought by the master of Eglinton against the presbytery of Glasgow for admitting Andrew Boyd to the church of Eaglesham without the congregation's consent. Investigations showed, however, that although the presbytery itself had chosen Boyd, the parishioners had voiced no objection. Five elders denied that they had ever consented to Boyd's admission but a majority of elders, whose names were suppressed for fear of reprisal or intimidation since they were tenants of the master of Eglinton, testified in sworn statements that they had agreed to Boyd's admission.¹ In another instance involving Glasgow presbytery over the admission of Andrew Law as minister at Neilston a group of parishioners appealed from the presbytery to the synod but since the synod had already empowered Glasgow presbytery to admit Law, the presbytery dismissed the objections and proceeded to admit him.²

It is clear, however, that a presbytery's duties were normally confined to the examination and admission of candidates, though not a few presbyteries were critical of the calibre of candidates who received presentations from patrons. Glasgow presbytery, for example, refused a presentation from the abbot of Paisley "as against the laws of God and man and good conscience",³ and it also required

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1. MS. Stirling Presbytery Records, 4 July, 25 July, 10 October, 31 October, 5 December 1592; cf. B.U.K. iii. 813-14.
 2. G.C.A. MS. Glasgow Presbytery Records, fos. 49v.-57v. May 1595 - 29 July 1595, *passim*.
 3. *Ibid.* fo. 21v. 26 February 1593/4.

Stirling of Keir to present three candidates before it finally accepted one as minister at Baldernock.¹ Stirling presbytery similarly refused to admit a candidate presented by Blackadder of Tulliallan, the patron,² and also took action against non-resident benefice holders within its bounds,³ while Edinburgh presbytery upheld the complaint of the parishioners of St. Cuthberts that the presbyterian James Daes had sought the votes of the gentlemen of the parish contrary to the order observed and, despite Daes' denial, had proceeded to condemn his admission as "corrupt and not according to the order of a reformat kirk".⁴ In not a few cases was the presbytery the champion of congregational rights.

If it is true that in Calvinist churches "the effective choice of a pastor would normally be made by the classis",⁵ then Scotland proved an exception. There the choice of candidate sprang from the gentlemen and townsfolk, from the congregation or its representatives and only in exceptional cases did the presbytery intervene. A review of the procedure governing the election of parish ministers does show that the gentry no less than the burgesses, were not averse from electing Melvillian preachers, and since a majority of presbyterian pastors occupied country parishes, it certainly seems debatable whether "the urban character of Melville's movement needs to be

1. *Ibid.* fos. 8r.-v., 9v., 12v., 21v., 32v., 34r.-v. 24 April, 8 May, 15 May, 25 July 1593; 12 February 1593/4; 16 July, 30 July 1594.

2. MS. Stirling Presbytery Records, 6 June, 1 August, 12 September, 19 September 1599; 16 January 1600.

3. *Ibid.* e.g. 28 June 1586, 22 June 1591.

4. S.R.O. CH2/121/1. MS. Edinburgh Presbytery Records, 24 May, 31 May, 14 June 1586.

5. Patrick Collinson, The Elizabethan Puritan Movement, 338.

emphasised".¹ The split which developed in England between the urban and country wings of puritanism remained less evident in Scotland where the lairds and gentry not only sat on kirk sessions and participated in the election of ministers but also attended presbyteries, synods and assemblies,² and even served as assessors to the moderator.³ They presented themselves at visitations,⁴ reported on their minister's doctrine,⁵ helped finance his stipend, and provide him with a manse and glebe.⁶ In assemblies under presbyterian domination, more lairds than burgesses seem to have been present,⁷ and during assemblies a number of "zelus, godlie barrones and gentilmen" were accustomed to lodge in the house of John Durie, a Melvillian of some distinction.⁸ It was lairds as well as ministers who gave the assembly their judgment on the question of the bishop's temporal jurisdiction,⁹ who conferred with Adamson and

1. Hugh Kearney, Scholars and Gentlemen, 54.

2. See above, 309ff.

3. B.U.K. ii. 473, 548, 585, 626, 703, 729; Calderwood, iii. 515, 598, 675, 731; iv. 649, 682, etc.

4. E.g. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 9 November 1592; E.U.L. MS. La.II.14. Visitation of the Diocese of Dunblane: visitation of the Port of Menteith, 19 August 1586; visitation of Foulis, 12 October 1586; visitation of Muthill, 13 October 1586; visitation of Kippen, 16 August 1587; visitation of Strowan, 25 March 1588.

5. See above, chapter 7, 293ff.

6. E.g. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 25 November, 2 December 1591; 23 March 1591/2; 14 December 1592; 25 January 1592/3; CH2/295/1. MS. Peebles Presbytery Records, fo. 14r. 27 June 1597.

7. See e.g. B.U.K. ii. 762-67.

8. Melville, Diary, 78.

9. B.U.K. ii. 526.

Montgomery about removing the corruptions of the estate of bishops in their persons,¹ and it was lairds as well as ministers, whom the assembly appointed for constituting presbyteries.² The gentry it would seem was at the very heart of the movement.

The aristocracy, however, presents another picture, for with the exception of the earl of Angus who chose Nicol Dalgleish as domestic chaplain,³ few if any of the nobility appointed presbyterian ministers of any distinction as their domestic chaplains. From the first Book of Discipline onwards, the nobility had consistently opposed any drastic change in the ecclesiastical structure; and Melville's proposals on endowment and patronage were wholly anathema to them. Occasionally, it happened that the odd Melvillian preacher like Patrick Galloway succeeded in becoming minister of the royal household, but even Galloway, it may be noted, at the time of his appointment had become considerably less enamoured with presbyterianism. To that extent, the Melvillian preachers may be regarded as a people's ministry. They were themselves the products of the burghs and of the surrounding country estates, and their appeal was directed to the burgesses and the lesser gentry, to the heritors, the farmers and their tenants.

As the brotherhood of the ministry spilled over into the wider church so too did the message which was preached underwrite how both the mighty and the weak irrespective of their social station were all the children of God, how all without exemption must therefore be

1. Ibid. 432, 563.

2. Ibid. 530-533.

3. Fasti, i. 99-100.

subject to one and the same discipline of the church when they erred. The rejection of a hierarchy in the church was itself at odds with the hierarchical order of society, and amongst the nobility such egalitarian notions were not likely to make many converts.

The antithesis in society which presbyterianism helped make more clear was not necessarily an urban-rural polarity but rather one between the aristocratic privilege of a feudal nobility which wielded social and political, though little ecclesiastical, power and that of the burgesses and gentry who through the very ecclesiastical influence which they exercised, as elders on the kirk session and presbytery, or as commissioners to the synod and assembly, hoped to share, or enhance their share, in the governing processes affecting politics and society.

Socially, the Melvillian ministers, as a group, were on a par with the lairds and more prosperous burgesses from whom they were largely recruited. Some like Michael Cranston, Robert Durie, William Livingston, Patrick and Archibald Simson and John and William Row were themselves the sons of ministers; James Mercer, for example, was the son of the sheriff depute of Perthshire; but many it would seem were of solid burgess stock, and, as the younger sons of "landit men", at least a quarter are known to have been of gentle birth. After the reformation, the church no longer offered a lucrative career for the sons of the aristocracy but it was nevertheless still able to attract the younger sons of the landed gentry as well as those of the merchants and craftsmen in the burghs. Careers in the church, while unattractive to some, were not altogether

unremunerative as the testaments of many ministers show.

Stipends, it is true, often fluctuated wildly from one parish to another and from one area to another, and some, indeed, were so inadequate as to sustain only a reader. Ministers in the larger burghs, however, could normally count on an adequate stipend and a rent free house. In country parishes, many ministers, perhaps a majority, received stipends in victual which was by no means disadvantageous in an inflationary economy, with a fall in the purchasing power of money; and it is interesting, too, that lord Newbattle in December 1591, when it came to paying the stipend of the minister of Cockpen, should think fit to "give the minister corne as the prices ar in the countrie bicaus he hes not silvir".¹ Unlike many of the burgesses, the gentry from time to time may have been short of ready cash, and although Newbattle presumably could have sold some of the produce from his estates to raise the necessary sum, December may not have been the best time of year to do so.

The problem of ministers' stipends was highlighted by the government in 1582 which drew the assembly's attention to "the inequalitie of Stipends, some having victual allowed at a small price, and others, of the money assigned, constrained to buy the victual at the highest prices";² and there can be little doubt that inflation hit the burgh ministers on a fixed money stipend hardest. In 1586, Walter Balcanquhal felt that Edinburgh town council could not but agree "that the estaitt of ane singill man in thair

1. S.R.O. CH2/424/1. MS. Dalkeith Presbytery Records, 2 December 1591.

2. B.U.K. ii. 553.

lordschips ministrie can nocht honestlie be intertenit" for less than 300 merks;¹ and in February 1587/8, since his stipend was no longer sufficient to sustain a wife and family during the current dearth, he succeeded in obtaining a rise of 100 merks.² In December 1588, his stipend was increased by 100 merks to 500 merks,³ which, though less than the 600 merks assigned to Robert Bruce in the same year,⁴ was by no means unsatisfactory. Because of recurrent dearth, Balcanquhal's stipend was again augmented by 100 merks in 1590, and he received further increases in 1594 and 1595.⁵ His stipend, along with those of his colleagues Rollock, Balfour and Watson, stood at 800 merks in 1597,⁶ which compared favourably with the 360 merks assigned in 1591 to John Cairns,⁷ though again, it proved less favourable than the more than adequate 1,000 merks assigned to Robert Bruce in 1589, along with a farther 250 merks to be spent on plenishings for his house.⁸ In 1589, James Balfour's stipend consisted of 600 merks and a rent free house,⁹ but Rollock's stipend in 1592 remained a mere 500 merks.¹⁰ By 1597, Rollock, Balcanquhal, Balfour and Watson each received a comfortable 800 merks,¹¹ and in the following

1. Edinburgh Burgh Records, iv. 455.

2. Ibid. 514.

3. Ibid. 533.

4. Ibid. 527.

5. Ibid. v. 31, 111, 131.

6. Ibid. 199.

7. Ibid. 33.

8. Ibid. 1-2.

9. Ibid. 7.

10. Ibid. 57.

11. Ibid. 199.

year Rollock's stipend shot up to 1,200 merks, but at this salary he was at least expected to pay his own house rent.¹

The stipends assigned to Edinburgh ministers do seem to have more than kept pace with inflationary tendencies, and it has been estimated that 500 merks would have been a very satisfactory minimum stipend in 1600.² Many Melvillian ministers, outside Edinburgh, similarly received stipends well in excess of that figure. In Fife, the stipend assigned in 1601 to Nicol Dalgleish at Pittenweem was 1,822 merks; to William Erskine at Dunino 800 merks; to James Melville at Kilrenny 690 merks; to Robert Durie at Anstruther 675 merks; to John Carmichael at Newburn 653 merks; to Andrew Duncan at Crail 550 merks; though David Mearns at Carnbee received a mere 313 merks,³ and in Aberdeen where stipends in the district tended to be low all round, John Macbirnie was assigned a less than satisfactory 300 merks in 1602.⁴

How well off many of these presbyterian ministers were compared with many less prosperous parishes is indicated in a visitation of the diocese of Dunblane in 1586 where many churches were still served only by readers largely because of the totally inadequate stipends. At Kippen "becaus thai heve na other minister", the reader "makis exhortationes sumtymes quhar[by] the discreit off the congregatiōne findis not thamselffis sa weil

1. Ibid. 230.

2. W. Roland Foster, "A Constant Platt Achieved: Provision for the Ministry, 1600-38", in Reformation and Revolution, ed. D. Shaw, 125.

3. Ibid. 125-6.

4. S.R.O. CH2/1/1. MS. Aberdeen Presbytery Records, 29 January 1602.

edifeit as quhen he reidis simply"; both the parsonage and the vicarage were set in tack, the former to the laird of Cambuskenneth and the latter for 20 merks a year to John Buchanan of Arnprior; and the fabric of the church itself was "ruinus in wallis, ruff thak and lakis all necessar ornamentis wythin". Conditions were even worse at the Port of Menteith where the church, though served by a reader, was found to be altogether decayed, except for the nave. Logie kirk, on the other hand, was found to be in reasonably good condition, with a manse and a glebe extending to $2\frac{1}{2}$ acres, and able to support a minister. The fabric of Alva was also good and the parish possessed a manse but the glebe was only $\frac{1}{4}$ acre. Tullibody, however, had not even a reader except "a yung chyld", the son of their deceased reader, who "reidis distinctly". At Dollar, the parsonage was set in tack to the earl of Argyll for 58 merks a year, and although Airth was able to support a minister with a modest stipend of 200 merks, different conditions prevailed at Bothkennar kirk where the parishioners in the hope of obtaining a minister offered to provide a stipend of £100, to supply the minister with a horse if he lacked one, and to repair their church which was described as "at varie evill point bathe wythin and wythout, not wattirthis and laking all necessar ornamentis wythin except ane auld pulpit only".¹

Comparatively few testaments for ministers have survived for

1. E.U.L. MS. La.II.14. MS. Visitation of the Diocese of Dunblane, visitation of Kippen, 18 August 1586; Port of Menteith, 19 August 1586; Logie, 12 September 1586; Alva, 12 September 1586; Tullibody, 14 September 1586; Dollar, 14 September 1586; Airth, 1 July 1586; Bothkennar, 12 August 1586.

the sixteenth century, but Andrew Polwart (d. 1587), who left net assets of only £71,¹ did at least do considerably better than Erskine of Dun (d. 1592) whose debts exceeded his assets by some £239.² Despite the apparently "princely" stipends assigned to superintendents, and despite a stipend of around £800 in 1585,³ Erskine, as he complained to the king,⁴ was still out of pocket, and that he did in fact incur a financial loss through undertaking visitations and the other duties of oversight does seem to be well borne out by his testament. It is interesting, too, that David Ferguson, the minister of Dunfermline, who died in 1598, should leave £516,⁵ a sum rather more than that bequeathed by John Spottiswoode, the superintendent, who died in 1585, with an estate of some £463⁶ - a figure almost identical to that of Andrew Winchester, minister at Hilton, who died in 1598, leaving a net estate valued at just over £462.⁷ Andrew Moncreiff, minister of Crail, who died in 1596, may have left a mere £99⁸ but Thomas Buchanan, by contrast, who died in 1599 left a sizeable £5,258⁹ and his wife, Elizabeth Trail, who died in 1595 had net assets worth £9,668.¹⁰

1. S.R.O. CC8/8/21. MS. Edinburgh Testaments, 18 March 1589/90.

2. S.R.O. CC20/4/2. MS. St. Andrews Testaments, 25 October 1593.

3. Spalding Club Miscellany, iv. pp. xviii, 72-73; cf. H.M.C. 5th Report, App. 640.

4. H.M.C. 5th Report, App. 636.

5. S.R.O. CC8/8/32. MS. Edinburgh Testaments, 9 November 1598.

6. S.R.O. CC8/8/20. MS. Edinburgh Testaments, 13 November 1589.

7. S.R.O. CC8/8/44. MS. Edinburgh Testaments, 30 January 1609.

8. S.R.O. CC20/4/3. MS. St. Andrews Testaments, 6 September 1599.

9. S.R.O. CC8/8/33. MS. Edinburgh Testaments, 12 June 1599.

10. S.R.O. CC8/8/29. MS. Edinburgh Testaments, 16 June 1596.

A comparison of the assets belonging to presbyterian ministers for the first four decades of the seventeenth century with the average net assets left by ministers in the same period as adduced from 81 testaments in the commissariot courts of Edinburgh, Brechin and Dunblane¹ does show that many presbyterians who died in that period left above average net assets:-

1600 - 1609 (average net assets, £1,244)²

John Craig	d. 1600	£ 1,322
John Coupar	1603	£ 1,985
Alexander Hume	1606	£ 1,055
Robert Hislop	1607	£ 680
John Brand	1600	£ 226
John Durie	1600	£ 242

1610 - 1619 (average net assets, £1,529)

John Johnston	1611	£ 3,731
James Murehead	1613	£ 3,656
William Buchanan	1614	£ 2,752
Andrew Clayhills	1617	£ 5,375
Robert Wallace	1618	£ 2,511
John Howieson	1618	£ 2,080
James Row	1618	£ 1,678
Henry Duncan	1618	£ 3,433
William Watson	1619	£ 2,089

1620 - 1629 (average net assets, £3,777)

Patrick Galloway	1626	£10,980
James Mitchell	1626	£ 4,372
Robert Boyd	1627	£ 2,536
George Greir	1628	£ 1,019

1630 - 1639 (average net assets, £1,160)

Henry Blyth	1635	£ 2,513
Robert Bruce	1631	£ 300
John Murray	1632	£ 296
John Dykes	1634	£ 1,361

From a comparatively early date many ministers were obviously earning high enough stipends to expose them to the temptation of

1. W. Roland Foster, op. cit., 135-6.

2. Ibid. 136.

luxurious living and ostentatious dress, a development which had not escaped the attention of the church which repeatedly attempted to repress the "insolencie of ministers in their abuilzement".¹ John Johnston, the colleague of Melville at St. Andrews, whether insolent or otherwise, did like to be fashionable, for he possessed, as his testament discloses, a gown lined with London fur, and his personal effects, in addition to gold and silver, included a diamond, an emerald ring with a perfect diamond, a silver spoon which he brought from Geneva and a portrait of himself.²

Often the largest single item in the inventory of a minister's testament was his library. David Ferguson's books were valued at £100 (though he had also £118 in gold),³ Andrew Polwart's books were worth 300 merks,⁴ John Howieson's books, which he bequeathed to Glasgow University, totalled some £133,⁵ and Robert Bruce's library amounted to £200,⁶ while Patrick Galloway's obviously large and impressive library was reckoned to be worth 1,000 merks.⁷ Other ministers' books, however, were apparently of insufficient value to be listed separately. As a whole, the inventories of most minister's testaments were usually quite a small proportion of the total and the bulk was normally composed of unpaid debts owing to a minister. Arrears in stipends would partly account for this: it

1. B.U.K. i. 334-5; ii. 692; Calderwood, iii. 354-5; iv. 621.

2. Maitland Club Miscellany, i. pt.ii. 331-346.

3. S.R.O. CC8/8/32. MS. Edinburgh Testaments, 9 November 1598.

4. S.R.O. CC8/8/21. MS. Edinburgh Testaments, 18 March 1589/90.

5. S.R.O. CC9/7/15. MS. Glasgow Testaments, 14 October 1618.

6. S.R.O. CC21/5/4. MS. Stirling Testaments, 30 November 1631.

7. S.R.O. CC8/1/53. MS. Edinburgh Testaments, 18 May 1626.

was one thing to have a stipend assigned but quite another to have it paid in full, and all too often ministers found that they "had bene lang defraudit of their stipendis".¹ But at a time when ready cash was in short supply, not a few ministers appear to have acted as money lenders, and indeed three presbyterian ministers (Henry Duncan at Murroes, James Row at Kilspindie and Thomas Storie at Gordon) were prosecuted in 1612 for charging an exorbitant rate of interest.² Occasionally, some like James Mitchell at Stow appear to have ventured into farming on a not insubstantial scale with more livestock than a mere glebe could support.³

A good number of presbyterian ministers, it is evident, were prosperous if not opulent. One against whom an accusation of affluence might be levelled was Patrick Galloway, a man of some substance who could command net assets to the value of £10,980,⁴ though even Galloway's estate is overshadowed and becomes less significant when compared with that of Alexander Henderson (1583 - 1646) whose net assets totalled a remarkable £27,230.⁵ The ministry had come quite a way and had developed considerably beyond the expectations of the reformers of 1560 who in their Book of Discipline had counselled:-⁶

"Yf ane reasonabill stypend be appointed, and
thay leve avariciuslie, thai must be admonished
to live so as thay resave; for as excesse and

1. R.P.C. ii. 261.

2. Ibid. ix. 385, 387, 412.

3. S.R.O. CC8/8/53. MS. Edinburgh Testaments, 19 July 1626.

4. Ibid. 18 May 1626.

5. S.R.O. CC8/8/62. MS. Edinburgh Testaments, 9 November 1646.

6. Knox, Works, ii. 236; History, ii. 311.

superfluitie is nocht tollerabill in ane minister, so is avarice and the cairfull sollicitude of money and geir utterlie to be damned in Christis servandis, and especialie in those that are fed upoun the charge of the Church."

When it came to marriage, it proved customary for ministers to choose wives from a similar background to their own. James Balfour, of Powis, married his cousin once removed, Barbara the youngest daughter of Richard Melville of Baldowie and minister at Maryton; Thomas Buchanan, a son of Buchanan of Drummakill married the daughter of John Traill, younger of Magask, and widow of Robert Hamilton, principal of St. Mary's college; Robert Bruce, second son of the laird of Airth, married Martha, the second daughter of Sir George Douglas of Pittendreich; John Cunningham the eldest son of Cunningham of Baidland married a daughter of Ker of Triborne; John Forbes the third son of Forbes of Corse married a daughter of Barclay of Mathers; John Scrimgeour of Wester Bowhill, son of Scrimgeour of Myres, married the daughter and co-heiress of Robert Forrester of Boquhan; James Ross the son of Ross of Craigie married a daughter of Alexander Cunningham of Barns and John Ross of Magdalens, another son of Ross of Craigie married a daughter of William Shaw of Pitmurthlie. Others who appear to have been of burgess origins like John Durie and James Lawson likewise married the daughters of burgesses; and not only could the widow of a minister sometimes find a husband in a man of gentle birth - Janet Sibbald, the widow of Henry Duncan married David Guthrie of that Ilk - but the widow of a merchant burgess could on occasion find a second husband in a minister, as was the case with Helen Leslie who married James Betoun,

minister of Roxburgh.

More intriguing, perhaps, is the number of Melvillian ministers who married the daughters of their colleagues: James Melville and John Dykes both married daughters of John Durie, John Welsh married a daughter of John Knox, Alexander Hume married a daughter of John Duncanson, John Gillespie married a daughter of Patrick Simson, James Carmichael married a daughter of Andrew Simson, David Dalgleish married a daughter of William Scott, Patrick Galloway's second wife was the daughter of James Lawson, Michael Cranston married the sister of James Murehead, and William Row married a daughter of Robert Blair, minister of St. Andrews. Family relations no doubt helped to cement the bonds which existed between one presbyterian minister and another and could not but contribute towards giving the movement an additional dimension of cohesion and unity. There was truth as well as invective in Drummond of Hawthornden's pungent comments of 1639: "the Churchrace marry only among themselves - ministers' sons with ministers' daughters".¹

1. David Masson, Drummond of Hawthornden, 326.